

## **137-055-2140**

### **Delegations to Administrative Law Judge**

Administrative law judges of the Office of Administrative Hearings are authorized to do the following:

- (1) Issue final orders without first issuing proposed orders.
- (2) Issue final orders by default in cases described in OAR 137-003-0670 or 137-003-0672, except in a case authorized by ORS 416.415 or as authorized in section (3). An administrative law judge is authorized to issue a final order by default in a case authorized by ORS 416.425(5) but not in any other case authorized by ORS 416.425, unless section (4) of this rule applies.
- (3) Issue final orders by default when the nonrequesting party(ies) fails to appear for a hearing conducted under ORS 25.020(13), or issue a dismissal with prejudice when the requesting party fails to appear for a hearing conducted under ORS 25.020(13).
- (4) Issue an order dismissing a temporary modification, as defined in OAR 137-055-3430, if the party seeking a temporary modification fails to appear for a scheduled hearing, without further action by the administrator.
- (5) Determine whether a reschedule request should be granted pursuant to OAR 137-003-0670(2), based on whether the requester's failure to appear for a scheduled hearing was beyond the reasonable control of the party.
- (6) Issue final orders granting or denying late hearing requests pursuant to OAR 137-003-0528.
- (7) Provide to each party the information required to be given under ORS 183.413(2) or OAR 137-003-0510(1).
- (8) Order and control discovery.

Stat. Auth.: ORS 25.020, 180.345

Stats. Implemented: ORS, 25.020, 180.345, 416.415, 416.425

Effective Date: October 30, 2009