

## **137-055-2140**

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

Administrative law judges (ALJ) of the Office of Administrative Hearings (OAH) 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 25.511 or as authorized in section (3). An ALJ is authorized to issue a final order by default in a case authorized by ORS 25.527(5) but not in any other case authorized by ORS 25.527, unless section (4) of this rule applies.
- (3) Issue final orders by default when the non-requesting parties fail to appear for a hearing conducted under ORS 25.020(13), or issue a dismissal with prejudice when the requesting parties fail to appear for a hearing conducted under ORS 25.020(13).
- (4) Issue final orders that reflect the name of the child as recorded on the birth record when the underlying order that is being modified listed the child's name incorrectly and either the administrator corrected the child's name in the proposed order or the ALJ discovers the discrepancy and the administrator verifies the correct name.
- (5) Correct mistakes in hearing orders issued by OAH pursuant to ORS 180.345, including scrivener errors and substantive errors, at any time within 30 days of the issuance of the order; and
  - (a) Orders in which scrivener errors have been corrected must be marked "Corrected Order";
  - (b) Orders in which substantive errors have been amended must be marked "Amended Order"; and
  - (c) Corrected and amended orders must contain notice to the parties of appeal rights as provided in ORS 25.513 and must either be mailed to the parties by regular mail at each party's contact address or delivered electronically to the email address provided by a party, when available.
- (6) 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 their reasonable control.
- (7) Issue final orders granting or denying late hearing requests pursuant to OAR 137-003-0528.
- (8) Provide to each party the information required to be given under ORS 183.413(2) or OAR 137-003-0510(1).
- (9) Order and control discovery.

Stat. Auth.: ORS 25.020, 180.345

Stats. Implemented: ORS 25.020, 25.511, 25.527 & 180.345

Effective Date: December 3, 2021