

137-055-2160

Requests for Hearing

- (1) A request for hearing must be in writing and signed by the party, the party's authorized representative, or the administrator. The signature may be handwritten, typed or electronic.
- (2) A request for hearing must be received by the Program within the time provided by law in order to be considered timely.
- (3) A new or amended request for hearing is not required from the requesting party to obtain a hearing if the administrator amends the order being appealed, unless the administrator notifies the parties that an additional request is required.
- (4) Notwithstanding OAR 137-003-0530, 137-003-0672(3), and section (3) of this rule, if the Office of Administrative Hearings dismisses a hearing because the requesting party failed to appear, the Program may issue an amended notice instead of issuing a final order by default. The amended order will be referred to the Office of Administrative Hearings only if a party submits a new request for a hearing.
- (5) When a party requests a hearing after the time specified by law, the administrator will:
 - (a) Deny the late request if the final order has been entered in court; or
 - (b) Forward the hearing request to the Office of Administrative Hearings if subsection (5)(a) of this rule does not apply.
- (6) When the Office of Administrative Hearings receives a late hearing request, the Office of Administrative Hearings will:
 - (a) Issue a final order granting the request if it determines that the failure to timely request the hearing was beyond the reasonable control of the party;
 - (b) Issue a final order granting the request if the Administrative Law Judge determines, based on findings supported by the record, that the matter should proceed to a hearing on the merits; or
 - (c) Deny the request if subsections (6)(a) & (b) do not apply.
- (7) Notwithstanding the provisions of sections (5) and (6) of this rule, a request for hearing is not considered a late hearing request when:
 - (a) Parentage testing has been conducted pursuant to ORS 109.252 and 25.550 which includes the man as the biological father of the child, and a request for hearing has been received from a party 30 days from the date of service of the Notice of Intent to Enter Order/Judgment establishing paternity and the notice of parentage testing results; or
 - (b) A party has denied paternity and failed to appear for parentage tests, an order establishing paternity has been entered, and a request for hearing has been received from a party within 30 days from the date the order establishing paternity was mailed to the parties.
- (8) For the purpose of computing any period of time under this rule, except as otherwise

provided, any response period begins to run on the following date:

- (a) If service is by certified mail, on the date the party signs a receipt for the mailing;
- (b) If service is by a form of mail with delivery confirmation other than certified mail, on the date noted on the electronic delivery confirmation obtained from the United States Postal Service website.
- (c) If service is by regular mail, on the date of mailing. The following number of days will be added to the final date of the applicable time period:
 - (A) Three days if mailed to an address in Oregon;
 - (B) Seven days if mailed to an address outside Oregon; or
 - (d) The date evidence shows the party received the mailing.
- (9) Except as provided in subsection (10)(b) of this rule the dates in section (8) of this rule are computed based on calendar days, not business days.
- (10)(a) In computing any period of time under this rule, do not count the date of mailing as the first day; and
 - (b) If the last day falls on a Saturday, Sunday or legal holiday, do not count that day as a calendar day.
- (11) The provisions of sections (8) through (10) of this rule do not apply to service on a party by regular mail to complete substitute service. For substitute service, the service date is the date the document is mailed.

Stat. Auth.: ORS 180.345

Stats. Implemented: ORS 183.415

Effective Date: February 5, 2020