

137-055-2165**Requests to Reschedule Hearing**

(1) When the party who requested a hearing fails to appear at the hearing, the party may request that the hearing be rescheduled. A request to reschedule a hearing must be submitted in writing to the Oregon Child Support Program.

(2) When the Program receives a written request to reschedule a hearing, the Program will do one of the following:

(a) Deny the request to reschedule if:

(A) The final order has been entered in the circuit court; or

(B) The request was submitted by a party who did not originally request the hearing.

(b) Forward the request to the Office of Administrative Hearings if subsection (2)(a) of this rule does not apply.

(3) Notwithstanding section (2), if both parties requested a hearing and one party failed to appear and subsequently makes a request to reschedule the hearing, the administrator will deny the request to reschedule and inform the party they may file a request for rehearing under OAR 137-055-2180 directly with the administrative law judge.

(4)(a) When the Office of Administrative Hearings receives the written request to reschedule from the Program, the Office of Administrative Hearings will notify the parties that the request has been received and allow the parties 10 days to submit written testimony on whether or why the request to reschedule the hearing should be accepted.

(b) Parties who submit written testimony to the Office of Administrative Hearings must provide copies of the testimony to the other parties.

(c) After the response timeframe has expired, and after reviewing the request and any additional testimony received, the Office of Administrative Hearings will make a determination whether the request to reschedule the hearing should be allowed or denied.

(A) If the request is allowed, the Office of Administrative Hearings will issue a final order allowing the request and scheduling the case for hearing; or

(B) If the request is denied, the Office of Administrative Hearings will issue a final order denying the request.

(d) When the Program receives an order from the Office of Administrative Hearings denying the request to reschedule the hearing, the Program may issue a final order by default on the underlying support issue.

(5) If the Office of Administrative Hearings receives the written request to reschedule directly from the party that did not originally request the hearing, the Office of Administrative Hearings will issue a final order denying the request to reschedule.

(6) If the Office of Administrative Hearings receives a written request to reschedule from the

Program regarding a party that did not originally request the hearing, the Office of Administrative Hearings will issue a final order denying the request to reschedule.

(7) The Office of Administrative Hearings will include notice of the process set out in this rule in its order dismissing a hearing when a party fails to appear.

Stat. Auth.: ORS 180.345

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Effective Date: March 1, 2021