

461-025-0300
Contested Case Hearings

Effective 4-01-13

- (1) The rules in Division 025 of this chapter of rules apply to contested case hearings of the Department authorized by OAR [461-025-0310](#)(1). The hearings are conducted in accordance with the Attorney General's model rules at OAR [137-003-0501](#) and following, except to the extent that Department rules are permitted to and provide for different procedures.
 - (a) The method described in OAR [137-003-0520](#)(11) is used in computing any period of time prescribed in this division of rules.
 - (b) In any contested case to which this division of rules applies:
 - (A) When a party or claimant is not represented by an attorney:
 - (i) Upon request of the party or claimant, the Department provides work contact information -- telephone number and address -- for any Department employees expected to testify at the hearing as witnesses, except rebuttal witnesses.
 - (ii) Except as provided in subparagraph (i) of this paragraph, the Department and any party or claimant in the contested case are not required to provide the telephone numbers and addresses of witnesses prior to the hearing.
 - (B) The Department does not provide the telephone number and addresses of a witness if the Department has concerns that the release of the information may affect the safety of the witness.
- (2) When a Department employee represents the Department in a contested case to which this division of rules applies, requests for admission and written interrogatories are not permitted.

- (3) The Department's contested case hearings governed by this division of rules are not open to the public and are closed to nonparticipants, except nonparticipants may attend subject to the parties' consent and applicable confidentiality laws.
- (4) The Department has adopted the exceptions to the Attorney General's model rules set out in subsection (1)(b) and section (2) of this rule due to its caseload volume and because these discovery procedures would unduly complicate or interfere with the hearing process.

Statutory/Other Authority: ORS [409.050](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#)

Statutes/Other Implemented: ORS [183.452](#), [409.010](#), [411.060](#), [411.404](#), [411.816](#), [412.014](#), [412.049](#)

There are no previous rules dated later than January 1, 2014.

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