

Proposed and Final Orders

- (1) When the Department refers a contested case under this division of rules (OAR [461-025](#)) to the Office of Administrative Hearings (OAH), the Department indicates on the referral --
 - (a) Whether the Department is authorizing a proposed order, a proposed and final order (OAR 137-003-0645(4)), or a final order.
 - (b) If the Department is establishing an earlier deadline for written exceptions and argument because the contested case is being referred for an expedited hearing.
- (2) When the Department authorizes either a proposed order or a proposed and final order:
 - (a) The *claimant* (see OAR [461-025-0305](#)) or party may file written exceptions and written argument to be considered by the Department. The exceptions and argument must be received at the location indicated in the OAH order not later than the 20th day after service of the proposed order or proposed and final order, unless subsection (1)(b) of this rule applies.
 - (b) Proposed Orders. After OAH issues a proposed order, the Department issues the final order, unless the Department requests that OAH issue the final order under OAR 137-003-0655.
 - (c) Proposed and Final Orders. If the *claimant* or party does not submit timely exceptions or argument following a proposed and final order, the proposed and final order becomes a final order on the 21st day after service of the proposed and final order unless the Department has issued a revised order or has notified the *claimant* or party and OAH that the Department will issue the final order. When the Department receives timely exceptions or argument, the Department issues the final order, unless the Department requests that OAH issue the final order under OAR 137-003-0655.

- (3) If in a contested case hearing the Office of Administrative Hearings is authorized to issue a final order on behalf of the Department, the Department may issue the final order in the case of default.
- (4) A petition by a *claimant* or party for reconsideration or rehearing must be filed with the individual who signed the final order, unless stated otherwise on the final order.

Stat. Auth.: ORS [183.341](#), [409.050](#), [411.060](#), [411.404](#), [411.408](#), [411.816](#), [412.014](#), [412.049](#)

Stats. Implemented: ORS [183.341](#), [409.050](#), [411.060](#), [411.095](#), [411.404](#), [411.408](#), [411.816](#), [412.014](#), [412.049](#)

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

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