

OREGON ADMINISTRATIVE RULE
PUBLIC EMPLOYEES RETIREMENT BOARD
CHAPTER 459
DIVISION 001 – PROCEDURAL RULES

459-001-0035

Contested Case Hearing

- (1) Request for a contested case hearing. To obtain review of any determination made under OAR 459-001-0030 or 459-001-0032 for which a contested case hearing has not been held, the party must file with the Board a request for a contested case hearing. The request must be filed within 45 days following the date of the Director's determination.
- (2) Informal conferences. Informal conferences are available as an alternative means that may achieve resolution of any matter under review. A request for an informal conference does not relieve a person of the requirements for timely filing of a request for a contested case hearing.
- (3) Criteria for request. The request for a contested case hearing must be in writing and set forth:
 - (a) A description of the determination for which review is requested;
 - (b) A short statement of the manner in which the determination is alleged to be in error;
 - (c) A statement of facts that are the basis of the request;
 - (d) Reference to applicable statutes, rules or court decisions upon which the requester relies;
 - (e) A statement of the action the request seeks; and
 - (f) A request for a hearing.
- (4) The Director, or an administrator appointed by the Director, may direct the staff to schedule a formal contested case hearing or develop a recommendation to deny the member's request to be presented to the Board. The Board may then deny a request for a hearing when it has decided, in consultation with legal counsel, that the Board has no authority to grant the relief requested.
- (5) The hearing must be conducted in accordance with the Attorney General's Model Rules of Procedure. Parties to the hearing will include the requester, any other person named as a party, and any other person who petitions to participate and is determined to have an interest in the outcome of the proceeding.
- (6) The Board may deliberate and decide on final orders at any time and place allowed by law, as determined on a case-by-case basis, such as electronically or via a telephone conference.
- (7) In contested cases where the agency is upholding the administrative law judge's proposed order, the Director or Deputy Director may issue the final order after the Board has had an opportunity for review.

Stat. Auth.: ORS 238.650, 183.464 & 183.600 - 183.690

Stats. Implemented: ORS 183.413 - 183.470