

**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) **[Contested case hearings are referred to the Office of Administrative Hearings for a hearing pursuant to OAR 137-003-0515, unless the matter is resolved prior to the referral.]** The hearing must be conducted in accordance

1 with the Attorney General's Model Rules of Procedure. Parties to the hearing  
2 will include the requester, any other person named as a party, and any other  
3 person who petitions to participate and is determined to have an interest in the  
4 outcome of the proceeding.

5 (6) The Board may deliberate and decide on final orders at any time and place  
6 allowed by law, as determined on a case-by-case basis, such as electronically or  
7 via a telephone conference.

8 (7) In contested cases where the agency is upholding the administrative law judge's  
9 proposed order, the Director or Deputy Director may issue the final order after  
10 the Board has had an opportunity for review.