

POSTPONEMENT OF HEARINGS

OAR 438-006-0081

- Under the rules, hearings shall not be postponed except upon a finding of “extraordinary circumstances.”
- When contacting the assigned ALJ’s office to request a postponement:
 - Include all WCB numbers involved in the request.
 - If the request is in writing, place the request prominently within the document so it is easily identified.
 - If an interpreter has been hired for the case, request the postponement as soon as possible to allow WCB time to cancel the interpreter services in order to avoid unnecessary agency costs. In most cases, WCB will incur cancellation charges if the interpreter request is cancelled within one business day of the hearing date.
 - Provide claimant’s current address and phone number if the request is due to the change or withdrawal of counsel.
 - Provide opposing counsel’s position.
- When contacting the ALJ’s office, note the basis for consideration and the position of the other side. Examples include, but are not limited to:
 - Joining an additional party;
 - Change in representation;
 - Consolidation with another hearing date;
 - Attorney has scheduling conflict;
 - Parties unable to complete medical record prior to hearing;
 - Parties did not receive notice of hearing;
 - Inclement weather;
 - Hearing needs more time, i.e., requires half-day or full-day set;
 - Unavailable party or witness; or
 - Change of venue requested (must be made in writing).
- Even if both parties agree they are working on a settlement, settlement negotiations are not a sufficient basis for a postponement under OAR 438-006-0081.

Please obtain the opposing party's position before making a motion to postpone:

- If opposing counsel objects to the motion to postponement, the moving party may request a conference call with the assigned ALJ, or contact the ALJ's JA to discuss their options.
 - Even if the opposing counsel does not object, do not assume a matter is postponed until the assigned ALJ made a ruling.
- When a postponement is granted, it is the responsibility of counsel to notify their client(s) and witnesses of the postponement. The hearing will be reset as follows:
- “Normal Course:”
The JA will send the file to Docketing to reset the hearing within 120 days of the postponed hearing date.
 - Resent on the postponing ALJ's docket:
Upon approval of the ALJ, a case may be reset on the assigned ALJ's docket. The JA will coordinate with all parties to reset the hearing on a mutually agreeable date.