

# 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 attorney.
- When contacting the ALJ’s office, note the basis for consideration and the position of the other side. For example, is the request based on:
  - 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, ALJs do not generally consider additional time to reach settlement as a basis for postponement under OAR 438-006-0081.
- The requesting party should get opposing counsel’s position prior to contacting WCB.

- If opposing counsel objects to the motion to postponement, the moving party shall arrange a conference call with the assigned ALJ by contacting the JA.
  - Even if the opposing counsel does not object, do not assume a matter is postponed until the ruling by the ALJ has been received.
- When a postponement is granted, it is the responsibility of counsel to notify their client(s) and witnesses of the postponement and that the case will be heard at a later date.
- Resetting a Hearing in “Normal Course:”  
The JA will send the file to Docketing to reset the hearing within 120 days of the postponed hearing date.
  - Resetting on the Administrative Law Judge’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.