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In the Matter of the Compensation of  
**LINDA A. STOMPS, Claimant**  
WCB Case No. 00-09206  
ORDER ON REVIEW  
Claimant Unrepresented  
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Biehl and Lowell.

Claimant, *pro se*, requests review of Administrative Law Judge (ALJ) Otto's order that: (1) found that claimant had not established extraordinary circumstances beyond her control warranted the postponement of her previously scheduled hearing; and (2) dismissed her hearing request for an unjustified failure to appear at the scheduled hearing. On review, the issue is the propriety of the ALJ's dismissal order.

We adopt and affirm the ALJ's order with the following supplementation.

On May 9, 2001, the ALJ convened a hearing; claimant did not appear. On May 10, 2001, the ALJ issued an Order of Dismissal stating that the Request for Hearing was dismissed as abandoned under OAR 438-006-0071(2). Claimant requested review of that order.

On August 14, 2001, we issued an Order on Review (Remanding) in which we remanded the matter back to the ALJ to determine whether extraordinary circumstances existed which justified a postponement of the previously scheduled hearing. Following receipt of the parties' positions on this matter, the ALJ issued an Order of Dismissal on October 23, 2001, which dismissed claimant's Request for Hearing based on the determination that claimant had failed to establish that extraordinary circumstances prevented her attendance at the May 9, 2001 hearing. Claimant requested review of that order.

On review, claimant makes several arguments regarding the merits of her claim. However, as summarized above, the sole issue at this point is whether extraordinary circumstances existed which justified a postponement of the previously scheduled hearing. In other words, the merits of claimant's claim will only be reached at a rescheduled hearing if claimant establishes that extraordinary circumstances prevented her attendance at the prior hearing. On this issue, claimant states only that she "made several mistakes by not attending the hearing for [her] claim."

An ALJ shall dismiss a request for hearing if claimant or his or her attorney fails to attend a scheduled hearing unless extraordinary circumstances justify a postponement or continuance of the hearing. OAR 438-006-0071(2). For the reasons explained by the ALJ, we conclude that claimant has not established that extraordinary circumstances prevented her attendance at the May 9, 2001 hearing. Accordingly, we find that dismissal of claimant's hearing request is appropriate.

ORDER

The ALJ's order dated October 23, 2001 is affirmed.

Entered at Salem, Oregon on May 15, 2002