

Testimony before the House Business and Labor Committee HB 2439

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Introduction

The Oregon Employment Department (OED) supports House Bill (HB) 2439 which eliminates unnecessary procedural steps by allowing OED to dismiss hearing requests under limited circumstances.

Effect on the Public

When the Employment Department makes decisions about unemployment insurance benefits, people that are impacted have the right to request a hearing. Those hearings are heard by administrative law judges with the Office of Administrative Hearings. The law sets out several situations that permit an administrative law judge to dismiss the hearing request.

HB 2439 does not change the circumstances that allow a hearing request to be dismissed or change the rights of an individual to request a hearing. It just permits, in some situations, OED to issue the dismissal instead of requiring OED to give information to the Office of Administrative Hearings so an administrative law judge can issue the dismissal. HB 2439 permits OED to dismiss hearing requests when:

- The person who requested a hearing, withdraws the request;
- The issue being appealed is resolved because the decision that was appealed is canceled or amended;
- The hearing was requested before a written decision was issued; or
- The hearing was requested by someone not legally entitled to request a hearing.

This will reduce the number of cases that must be referred to the Office of Administrative Hearings. Unemployment insurance hearings, unlike many other hearings, are not governed by the Attorney General's Model Rules of Procedure for Contested Case Hearings. The authority HB 2439 grants OED is similar to the authority most other agencies have under those model rules (OAR 137-003-0515(4), 137-003-0670 and 137-03-0672).

Recommendation

The OED recommends passage of HB 2439 to eliminate unnecessary hearings procedures by allowing OED to dismiss hearing requests under limited circumstances. This will not change the rights of an individual to request a hearing. OED anticipates that this change will reduce the number of cases being referred to the Office of Administrative Hearings.

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