

Oregon Workers' Compensation Compliance Section

Contested Case Team _____

Purpose

To facilitate resolution of contested cases.

Responsibilities

Division representation - Represents the division at administrative hearings and mediations before the Workers' Compensation Board.

◆ **Settlement negotiation** - Negotiates settlements between division and interested parties.

Contested case assistance - Provides process assistance to interested parties. Advises internal staff on merits of issues being contested.

Functions

The goal of the Contested Cases Team is to facilitate resolution of contested cases. The team reviews and processes hearing requests on noncomplying employer orders, nonsubjectivity determinations, and civil penalty orders issued by the division. The team also reviews contested case files, provides procedural assistance to interested parties, determines and prepares exhibits for hearings, negotiates settlements, and mediates issues between the parties. The team consists of the Contested Case Coordinator and the Contested Case Technician.

The Contested Case Coordinator represents the division at administrative hearings and mediations before the Workers' Compensation Board. The Coordinator presents evidence, argument, witnesses, and cross examination at hearings. The coordinator provides a valuable service, acting as an advisor at hearings and mediations, for all the parties involved and as an internal advisor to the division on issues needing a technical, as well as legal perspective. The coordinator reviews orders issued by the department, WCB Hearings Division and Board, Court of Appeals and Supreme Court for factual accuracy, legal sufficiency, and consistency with WCD policy. The coordinator also reviews and examines the case record, evidence, witnesses' credibility, arguments and legal briefs presented to determine the department's position on appeal.

The Coordinator approves all noncomplying employer claims settlements as well as third-party claim recoveries. In addition, the Coordinator participates in negotiations and mediations involving potential reimbursement from the Workers' Benefit Fund. In order to receive reimbursement, parties are required to obtain DCBS approval of settlements prior to submission to the Board. The Coordinator can facilitate these matters by participating in the settlement negotiations or mediations and by providing authority and approval for reimbursement from the WBF.

Primary governing rules

All WCD rules are involved in the work of the Contested Cases Team.

For more information contact:

Contested Cases Team: (503) 947-7822

FAX: (503) 947-7718

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