

In the Matter of
CARLOS DIAZ, Claimant
Contested Case No: H05-088
INTERIM ORDER OF REMAND
October 21, 2005

CARLOS DIAZ, Petitioner
LIBERTY NORTHWEST INSURANCE CORP., Respondent
Before Lawrence S. Smith, Administrative Law Judge, Administrative Hearings

Carlos Diaz (Claimant) appeals a June 8, 2005 Administrative Order issued by the Medical Review Unit (MRU) of the Workers Compensation Division (WCD). MRU found that respondent Liberty Northwest Ins. Corp. (Liberty) was not liable for certain palliative care. On June 28, 2005, WCD referred the matter to the Office of Administrative Hearings (OAH) for a contested case hearing.

The hearing was held by telephone on October 17, 2005, before Lawrence S. Smith, Administrative Law Judge for OAH. Claimant was represented by attorney Martin Alvey. Respondent Liberty was represented by attorney Meg Carman. Treating physician Paul Puziss also appeared.

At the hearing, Claimant requested remand so that MRU may consider Exhibits 41 and 42 offered by Claimant. Liberty had also offered exhibits not considered by MRU, but objected to the remand. OAR 436-001-0170(1) provides, "The administrative law judge may remand a dispute to the director for further administrative action." Based on the potential evidence in proposed Exhibits 41 and 42, the matter is remanded to MRU and WCD for consideration of these exhibits and the proposed exhibits from Liberty.

ORDER

MRU's June 8, 2005 Administrative Order is remanded.