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In the ORS 656.340 Vocational Assistance of

**Stephen W. Dinger, Claimant**

Contested Case No: 06-115H

**FINAL ORDER**

February 21, 2007

STEPHEN W. DINGER, Petitioner

SAIF CORPORATION, Respondent

Before John Shilts, Administrator, Workers' Compensation Division

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Petitioner claimant, through his attorney Michael A. Gilbertson, timely filed a request for director review of Workers' Compensation Board Hearings Division Administrative Law Judge Gilah Tenenbaum's December 7, 2006 Proposed and Final Order. Respondent insurer, through its attorney Jerome P. Larkin, timely responded. Claimant did not submit a reply. This matter comes before the director for a final order. I adopt and affirm.

The underlying issue is whether claimant is eligible for vocational assistance. Insurer found claimant ineligible for assistance because he was able to return to regular employment. The Rehabilitation Review Unit (RRU), by Director's Review and Order dated June 15, 2006, affirmed insurer's determination. Judge Tenenbaum affirmed, finding no basis on which to modify RRU's order under ORS 656.283(2)(c).<sup>1, 2</sup>

Claimant raises no specific exceptions in his request for review, and I find no reason to modify the proposed order. Therefore,

**IT IS HEREBY ORDERED** that the December 7, 2006 Proposed and Final Order is adopted and affirmed.

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<sup>1</sup> ORS 656.283(2)(c) provides that an order of the director regarding vocational assistance may be modified only if it:

“(A) Violates a statute or rule;

“(B) Exceeds the statutory authority of the agency;

“(C) Was made upon unlawful procedure; or

“(D) Was characterized by abuse of discretion or clearly unwarranted exercise of discretion.”

<sup>2</sup> It does not appear from the record that the parties submitted argument to the ALJ.