

In the ORS 656.260 Managed Care Dispute of

**Danny C. Harris, Claimant**

Contested Case No: 07-067H

**PROPOSED & FINAL ORDER**

September 12, 2007

SW WASHINGTON MEDICAL CENTER, Petitioner

DANNY C. HARRIS, Respondent

Before Robert A. Davis, Administrative Law Judge

---

This matter came on for hearing August 28, 2007, in Portland, Oregon, before the undersigned administrative law judge. Roy Miller appeared on behalf of Northwest Express Delivery and SAIF Corporation. There was no appearance by any other party.

Claimant had originally requested administrative review to resolve a medical services dispute. The issue was as to SAIF Corporation's liability for an EKG. On May 9, 2007, the Workers' Compensation Division issued an Administrative Order that found SAIF Corporation not liable for the EKG with interpretation performed at Southwest Washington Medical Center.

Claimant did not request a hearing in response to the Administrative Order. Southwest Washington Medical Center did file a Notice of Appeal. The matter was transferred to the Workers' Compensation Board for hearing. Hearing was set for August 28, 2007, and notice of said hearing date, time, and location was sent to all relevant persons and parties. At the convening of the hearing, no one appeared on behalf of Southwest Washington Medical Center.

Counsel for SAIF Corporation moved for dismissal pursuant to OAR 438-006-0071.

**DISCUSSION**

The failure of the party requesting a hearing to appear at hearing falls within the circumstances contemplated by OAR 438-006-007(1) and (2) (abandonment of the request for hearing and non-appearance), and I conclude that the Motion to Dismiss made by counsel for the employer/insurer is well taken. Therefore, IT IS HEREBY ORDERED that

The May 9, 2007 Administrative Order is affirmed and the request for hearing is dismissed.