
In the Penalty Dispute of
Juan A. Sanchez, Claimant
Contested Case No: 07-083H

PROPOSED & FINAL ORDER ON RECONSIDERATION

December 20, 2007

COMMERCE AND INDUSTRY INSURANCE CO., Petitioner
JUAN A. SANCHEZ, Respondent

Before Geoffrey G. Wren, Administrative Law Judge

The November 28, 2007 Proposed and Final Order was abated on December 6, 2007 following receipt of claimant's motion for reconsideration with respect to award of attorney fees. I now proceed with reconsideration.

As discussed in the November 28, 2007 Proposed and Final Order, I find that \$2,000 is a reasonable assessed attorney fee under ORS 656.262(11). I was not able to award additional assessed fees over that awarded by the Director below, as I did not have at the time a copy of counsel's retainer agreement. *See* OAR 438-015-0010(1). Counsel provided a copy of that agreement with his December 5, 2007 motion for reconsideration. He previously had submitted the agreement to the Director and had assumed that a copy thereof would have been forwarded by the Director when this matter was forwarded to the Hearings Division. I find that assumption reasonable. Having now received a copy of the retainer agreement, I award an assessed fee of \$2,000.

ORDER

IT IS HEREBY ORDERED that claimant's counsel is awarded a \$2,000 assessed fee. The November 28, 2007 Proposed and Final Order is republished as modified herein. The parties review rights shall run from the date of this order and not from November 28, 2007.