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In the ORS 656.340 Vocational Assistance Dispute of

**Jassem M. Shahad, Claimant**

Contested Case No: 07-055H

**FINAL ORDER**

June 26, 2007

JASSEM M. SHAHAD, Petitioner

ALBERTSONS INC., Respondent

Before John L. Shilts, Workers' Compensation Division Administrator

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Claimant, through attorney Jeffrey S. Ratliff, timely filed exceptions<sup>1</sup> to Workers' Compensation Board Administrative Law Judge (ALJ) David D. Lipton's April 17, 2007 Proposed and Final Order. Insurer, through attorney William H. Replogle, responded.

The underlying issue is whether claimant's eligibility for vocational assistance ended because he failed, after written warning, to participate in the vocational assistance process. Insurer issued a Notice of Ineligibility. The Rehabilitation Review Unit, in a December 19, 2006 Director's Review and Order, affirmed insurer's determination. Claimant requested a hearing.<sup>2</sup> ALJ Lipton affirmed, finding no abuse of discretion. I adopt and affirm ALJ Lipton's proposed order.

**IT IS HEREBY ORDERED** the April 17, 2007 Proposed and Final Order is affirmed.

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<sup>1</sup> Claimant's filing is titled "REQUEST FOR BOARD REVIEW" and was addressed to the Workers' Compensation Board. Under OAR 436-001-0246(8), requests for board review of an order in a matter within the director's jurisdiction are forwarded to the director and treated as exceptions.

<sup>2</sup> Claimant filed his request for hearing with the Workers' Compensation Board, using the board's form. The matter was assigned a board case number. Under ORS 656.283(2)(c) and 656.704(2), claimant's hearing request should have been filed with the director using the Workers' Compensation Division Request for Hearing form. *See* OAR 436-001-0019. This matter has been transferred to the director under ORS 656.704(5).