
In the ORS 656.340 Vocational Assistance Dispute of

Matthew O. Turnbow, Claimant

Contested Case No: 09-166H

FINAL ORDER

July 13, 2010

MATTHEW O. TURNBOW, Petitioner

SAIF CORPORATION, Respondent

Before John Shilts, Workers' Compensation Division Administrator

Claimant requests review of a Proposed and Final Order dismissing his request for a hearing on the denial of his eligibility for vocational services. I find no error and affirm the order.

FACTUAL SUMMARY

Claimant Matthew Turnbow (claimant) had an accepted claim for a left shoulder injury. Claimant sought vocational services. He was found ineligible for those services by a Director's Review and Order issued on August 27, 2009. On October 19, 2009, claimant requested a hearing on that order. On January 19, 2010, claimant signed a claim disposition agreement (CDA) covering this claim. The Workers' Compensation Board approved the CDA on January 26, 2010. Based on the CDA, Administrative Law Judge (ALJ) Keith Kekauoha dismissed the hearing request through a Proposed and Final Order of Dismissal issued on April 29, 2010.

In the CDA, claimant agreed to settle his claim to all compensation, specifically including his right to vocational services, owed for the injury covered by this claim. Claimant was represented by an attorney in signing the CDA. The CDA states in part:

By signing this Claim Disposition Agreement, claimant certifies that:

1. The facts stated in this Claim Disposition Agreement are true to the best of claimant's knowledge and belief.
2. Claimant has read this document and discussed it with legal counsel.
3. All questions have been answered to claimant's satisfaction.
4. Claimant has received, reviewed, and understands the information stated in a separate document entitled 'Claims Disposition Agreement' issued by the Board in CDA Bulletin 1-2007 dated December 14, 2007 pursuant to OAR 438-009-0022.

Claimant and his attorney both signed the CDA.

CONCLUSIONS OF LAW

Claimant knowingly waived his right to receive vocational assistance in exchange for a stated amount of compensation. He was assisted by counsel. He was provided with documents that stated several times that he was giving up his rights to vocational assistance. He signed a document stating he had read and understood those explanations and that he had had all

questions answered about this issue. There is no error in the order dismissing claimant's hearing request.¹

IT IS HEREBY ORDERED ALJ Kekauoha's April 29, 2010, Proposed and Final Order of Dismissal is affirmed.

¹ Claimant was not represented by counsel in submitting his exceptions to the dismissal order. Claimant may wish to contact the Office of the Ombudsman for Injured Workers for further assistance. That office can be contacted at 503-378-3351, or toll-free 800-927-1271, by email at oiw.questions@state.or.us, or by mail at P.O. Box 14480, Salem, OR 97309-0405.