

ORDER NUMBER 03-072

OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
WORKERS' COMPENSATION DIVISION

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[Bracketed 8 point text is deleted]; **bold/underlined text is added**

EFFECTIVE JANUARY 1, 2004

OREGON ADMINISTRATIVE RULES  
CHAPTER 436, DIVISION 045  
REOPENED CLAIMS PROGRAM

**436-045-0008      Administrative Review**

(1) Any party as defined by ORS 656.005<sup>(21)</sup> aggrieved by a proposed order or proposed assessment of civil penalty of the director or division issued pursuant to ORS 656.745 or 656.750 may request a hearing by the Hearings Division of the Workers' Compensation Board in accordance with ORS 656.740 (**section 9, chapter 170, Oregon Laws 2003**).

(a) The request for hearing must be sent in writing to the [a]Administrator of the Workers' Compensation Division. No hearing shall be granted unless the request specifies the grounds upon which the person requesting [said]the hearing contests the proposed order or assessment.

(b) The request for hearing must be filed with the [a]Administrator of the Workers' Compensation Division **by the aggrieved person** within [20 days of receipt by the aggrieved person]**60 days after the mailing** [of notice]of the proposed order or assessment. No hearing shall be granted unless the request is mailed or delivered to the administrator within [said 20 days of receipt of notice]**60 days after the mailing of the proposed order or assessment**.

(2) Any party as [described in section (1)]**defined by ORS 656.005** aggrieved by an action or order of the director or division pursuant to these rules, other than as described in section (1), where such action or order qualifies for review by hearing before the director as a contested case, may request review pursuant to ORS 183.310 through 183.550 as modified by these rules pursuant to ORS 183.315(1). When the matter qualifies for review as a contested case, the process for review [shall]**will** be as follows:

(a) The request for hearing must be sent in writing to the [a]Administrator of the Workers' Compensation Division. No hearing [shall]**will** be granted unless the request specifies the grounds upon which the action or order is contested and is mailed or delivered to the administrator within 30 days of the action or from the date of mailing or other service of an order.

(b) The hearing [shall]**will** be conducted by [the director or the director's designee]**an Administrative Law Judge of the Office of Administrative Hearings**.

(c) Any **proposed** order [in a contested case] issued by [another person on behalf of the director]**the administrative law judge** is [a proposed order] subject to revision by the director. The director may allow objections to the proposed order to be filed for the director's consideration within 30 days of issuance of the proposed order.

**Stat. Auth.:** ORS 656.704, ORS 656.726(4) and ORS 656.745

**Stats. Implemented:** ORS 656.236, ORS 656.289, ORS 656.625, ORS 656.704, ORS 656.726(8), **section 9, chapter 170, Oregon Laws 2003**, and ORS 656.745

**Hist:** Filed 12-18-87 as WCD Admin. Order 8-1987, eff. 1-1-88  
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