

**DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
PROCEDURAL RULES GOVERNING RULEMAKING AND HEARINGS**

**OREGON ADMINISTRATIVE RULES (TEMPORARY)
CHAPTER 436, DIVISION 001
EFFECTIVE AUGUST 18, 1995**

436-001-0015 Request For Director's Review That Was Initially Filed With The Board Or Its Hearings Division

(1) Chapter 332 of 1995 Oregon Session Laws was enacted June 7, 1995, and redelineates the director's review authority with regard to certain matters arising under ORS Chapter 656. Section 66 of the new law contains an emergency clause that makes certain provisions of Chapter 332 retroactive, including various matters now under the director's review authority. Therefore, to accomplish the orderly processing of these matters:

(a) Any appropriate request for review that was filed with the Board or its Hearings Division (the Board) before June 7, 1995, where review now lies with the director, will be considered a timely filing with the director provided that:

(A) The review request filed with the Board was timely and consistent with prevailing Oregon law as it existed on the date of such filing; and,

(B) The requesting party formally files for review in writing with the director within 90 days of the effective date of this rule.

(b) On or after June 7, 1995 and before September 17, 1995, any appropriate request for review filed with the Board or its Hearings Division (the Board) on a matter where review now lies with the director under Chapter 332 of 1995 Oregon Session Laws, shall be deemed a timely filing with the director provided that:

(A) The review request made with the Board was within the time lines to file with the director as set forth under the new law; and,

(B) The requesting party formally files for review in writing with the director within 90 days of the effective date of this rule.

(c) Timely filing with the director, as described in subsections (a) and (b) above, applies to appropriate requests in matters where review now lies with the director, regardless of the disposition by the Board or Hearings Division of such requests after application of Chapter 332 of Oregon Session Laws 1995.

(d) The procedure for filing in writing with the director under subsections (a) through (c) of this rule are pursuant to temporary OAR 436-001-095(1) for contested case hearings and OAR 436-10-008(1) for administrative review of medical services matters.

(e) The 90-day written filing requirements described in subsections (a) through (c) of this rule do not extend or shorten any procedural time limitations for requesting review that may be applicable under Chapter 332 of Oregon Laws 1995. Rather, these provisions provide a temporary grace period during which a timely filing with the Board will be deemed a filing with the director.