

ORDER NUMBER 03-078

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 150  
WORKERS' BENEFIT FUND CLAIMS PROGRAM**

**436-150-0008 Administrative Review**

(1) Any party[,] as defined by ORS 656.005, and including the Oregon Insurance Guaranty Association, 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 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 60 days [of receipt by the aggrieved person of notice of the proposed order or assessment] **after the mailing date of the proposed order or assessment**. No hearing [shall] **will** be granted unless the request is mailed or delivered to the administrator within 60 days [of receipt of notice] **after the mailing date of the proposed order or assessment**.

(2) Any party[,] as described in section (1) of this rule, aggrieved by an action or order of the director or division pursuant to these rules, other than as described in section (1) of this rule, 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.:** Section 6, chapter 974, Oregon Laws 2001, ORS 656.726(4)

**Stats. Implemented:** [Section 6, chapter 974, Oregon Laws 2001] **ORS 656.445, ORS 656.740 (section 9, chapter 170, Oregon Laws 2003)**.

**Hist:** Adopted 12/6/01 as WCD Admin. Order 01-063, eff. 1/1/02  
**Amended 12/3/03 as WCD Admin. Order 03-078, eff. 1/1/04**