

DEPARTMENT OF INSURANCE AND FINANCE  
WORKERS' COMPENSATION DIVISION  
NONCOMPLYING EMPLOYERS

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EXHIBIT "A"  
OREGON ADMINISTRATIVE RULES  
CHAPTER 436, DIVISION 80

EFFECTIVE OCTOBER 13, 1992

**436-80-060 WHEN A WORKER FILES A CLAIM FOR AN INJURY**

(1) When Compliance issues an order under OAR 436-80-010 declaring an employer a noncomplying employer, and a subject worker has filed a claim for an injury sustained during the period of noncompliance while the worker was employed by such employer, Compliance shall:

(a) Refer the claim with a copy of the order and the results of its investigation to SAIF Corporation for processing as required by ORS 656.054; and

(b) Inform the worker and the employer that the claim has been referred to SAIF;

(c) The notice to the employer shall inform the employer of the right to object to the claim.

(d) If the employer wishes to object to the claim, the employer shall request a hearing. The request for hearing must be filed within 90 days from the date of the mailing of the Notice of Referral.

(2) When SAIF Corporation accepts or denies the claim, it shall notify the worker, employer, and Compliance of its action within the time provided by ORS 656.262.

(a) The notice shall also inform the worker of the right to a hearing under ORS 656.283 on questions of compensability.

(b) The worker shall have the time specified in ORS 656.319 to request a hearing if SAIF denies the claim.

(3) When Compliance finds that at the time of the injury, either the worker was not a subject worker or the employer was not a subject employer, the worker and employer shall be notified of such determination. The worker may request a hearing before the Workers' Compensation Board Hearings Division. The worker and employer shall be parties to any such hearing, and shall be notified by the Hearings Division of the time and place set for hearing.

Hist.: WCB 4-1973 (Temp), f. & eff. 12-6-73;  
WCB 4-1974, f. 2-13-74, eff. 3-11-74;  
WCB 15-1979 (Admin), f. 9-22-75, eff. 10-11-75;  
WCD 5-1978 (Admin), f. 3-31-78, eff. 4-1-78  
Amended 12-18-87 as WCD Admin. Order 7-1987, eff. 1-1-88  
Amended 12/22/89 as WCD Admin. Order 4-1989, eff. 1-1-90  
Amended 11/29/90 as WCD Admin. Order 28-1990, eff. 12/26/90  
Amended 4/15/92 as WCD Admin. Order 8-1992, eff. 4/15/92 (Temporary)  
Amended 10/13/92 as WCD Admin. Order 16-1992, eff. 10/13/92