

DEPARTMENT OF INSURANCE AND FINANCE
WORKERS' COMPENSATION DIVISION
NONCOMPLYING EMPLOYERS

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

EFFECTIVE APRIL 15, 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) **The employer shall have only 90 days from the date of mailing of the notice of referral to request a hearing to object to the claim.**

(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 [each party] 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.

[c) The employer shall have only 60 days from the date SAIF accepts a claim to request a hearing to contest the compensability of the claim. No appeal from the employer on the compensability of the claim shall be entertained and the acceptance shall be final by law if no appeal is timely made within the period prescribed by this rule. Any challenge to compensability after the 60 days must be made by SAIF in a back-up denial.]

(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.** [The worker may request administrative review of such determination in the manner provided by OAR 436-50-008.]

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)