



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

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April 3, 2017

To: Workers' compensation insurers, self-insured employers, service companies, employers, workers, providers, attorneys, and other interested parties

Subject: *Brown v. SAIF* Supreme Court decision

### **INDUSTRY NOTICE**

The Oregon Supreme Court issued its decision in [Brown v. SAIF Corporation](#) (361 Or 241) on March 30, 2017, reversing the [Court of Appeals decision](#). The Supreme Court's opinion is available on the Judicial Department's website at: <http://www.publications.ojd.state.or.us/docs/S062420.pdf>.

The court's decision interprets terminology used in ORS chapter 656, including "injury," "compensable injury," and "accepted condition." The court's interpretation impacts the Workers' Compensation Division's [administrative rules](#), particularly the rules in OAR chapter 436, divisions 030 (Claim Closure and Reconsideration) and 035 (Disability Rating Standards).

The division is reviewing its rules to determine what changes need to be made. We want to act quickly, but thoughtfully. In the coming days we will develop and share a plan for the rulemaking process. The process will include an opportunity for stakeholders to participate and provide input.

In the meantime, there will be a transition period before the division is able to fully implement the changes. Requests for reconsideration that are currently pending before the Appellate Review Unit will be reviewed with the Supreme Court's decision in mind. We do not plan to abate Orders on Reconsideration that have already been issued; orders that have not yet become final may be appealed to the Hearings Division.

If you have question about this notice, please contact Appellate Review Unit Manager Danae Hammitt at 503-947-7753 or [danae.c.hammitt@oregon.gov](mailto:danae.c.hammitt@oregon.gov). Questions about the division's rulemaking process can be directed to Fred Bruyns, rules coordinator, at 503-947-7717 or [fred.h.bruyns@oregon.gov](mailto:fred.h.bruyns@oregon.gov).

We appreciate your cooperation as we move through this process.

Louis Savage, Administrator  
Workers' Compensation Division