

**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 055
CERTIFICATION OF CLAIMS EXAMINERS**

436-055-0008 Administrative Review

(1) Any party aggrieved by a proposed order or proposed assessment of civil penalty of the director issued pursuant to ORS 656.745 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**). The request for hearing must be mailed **or delivered** to the [a]Administrator of the Workers' Compensation Division **by the aggrieved person** within 60 days[of receipt by the aggrieved party of notice] **after the mailing date** of the proposed order or assessment. The request must specify the grounds upon which the proposed order or assessment is contested.

(2) Any party aggrieved by an action or order of the director pursuant to these rules, other than as described in section (1), 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). Any party may request a contested case [before the director]**hearing** as follows:

(a) The request for hearing must be mailed **or delivered** to the [a]Administrator of the Workers' Compensation Division within 60 days of the action, the date of mailing, or other service of an order. The request must specify the grounds upon which the action or order is contested.

(b) The hearing shall be conducted by [the director] **an Administrative Law Judge of the Office of Administrative Hearings**.

(c) Any **proposed** order [in a contested case] issued by [a designee 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.

(3) Any person aggrieved by an action taken pursuant to these rules by another person, except as described in sections (1) and (2), may request administrative review by the director as follows:

(a) The request for administrative review must be mailed **or delivered** to the [a]Administrator of the Workers' Compensation Division within 90 days of the action. The request must specify the grounds upon which the action is contested.

(b) The review [shall]**will** be conducted by the director.

(c) The director [shall]**will** review the relevant information submitted by all parties.

(d) The director will issue an administrative order that specifies whether the determination constitutes a final order or whether an aggrieved party may request a contested case hearing before [the director] **an Administrative Law Judge of the Office of Administrative Hearings** pursuant to ORS 183.310 and the procedures provided in section (2).

Stat. Auth.: ORS 656.735(5) through (7); ORS 656.745(4); ORS 656.726(4)

Stats. Implemented: **ORS 656.740 (section 9, chapter 170, Oregon Laws 2003), ORS 183.310 through 183.550, ORS 656.726**

Hist: Filed 11/30/90 as WCD Admin. Order 25-1990, eff. 1/1/91

Amended 12/21/99 As WCD Admin. Order 99-063, eff. 01/01/00

Amended 12/3/03 as WCD Admin. Order 03-073, eff. 1/1/04