

ORDER NUMBER 03-075

OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

REVISION-MARKED COPY

[Bracketed 8 point text is deleted]; **bold/underlined text is added**

EFFECTIVE JANUARY 1, 2004

**OREGON ADMINISTRATIVE RULES
CHAPTER 436, DIVISION 070
WORKERS' BENEFIT FUND**

436-070-0008 Administrative Review

(1) Any party as defined by ORS 656.005[(20)] aggrieved by a proposed order or proposed assessment of civil penalty of the [D]director 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 656.740 **(section 9, chapter 170, Oregon Laws 2003)**.

(a) The request for hearing must be sent in writing to the [D]director. No hearing [shall] **will** be granted unless the request specifies the grounds upon which the person requesting [said] **the** hearing contests the proposed order or assessment.

(b) The request for hearing must be filed with the [D]director within [twenty (20)] **60** days [of receipt by the aggrieved person of notice] **after the mailing** of the proposed order or assessment. No hearing [shall] **will** be granted unless the request is [received by] **mailed or delivered to** the [D]director within [said twenty (20)] **60** days [of receipt of notice] **after the mailing date of the proposed order or assessment**.

(2) Any party as [described in section (1)] **defined by ORS 656.005** aggrieved by an action or order of the [D]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. 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 [D]director. No hearing [shall] **will** be granted unless the request specifies the grounds upon which the action or order is contested and is received by the [D]director within thirty (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] **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 [D]director. The [D]director may allow objections to the proposed order to be filed for the [D]director's consideration within thirty (30) days of issuance of the proposed order.

Stat Auth: ORS 656.735 and 656.740

Stats. Impltd: ORS 656.735 and 656.740, **(section 9, chapter 170, Oregon Laws 2003)**

Hist: Filed 10/31/94 as WCD Admin. Order 94-060, eff. 1/1/95

Amended 1/12/96 as WCD Admin. Order 96-050, eff. 1/12/96

Amended 12/3/03 as WCD Admin. Order 03-075, eff. 1/1/04