

**BRUYNS Fred H \* DCBS**

---

**From:** Chris Frost <cfrost@tcnf.legal>  
**Sent:** Friday, October 28, 2016 5:05 PM  
**To:** BRUYNS Fred H \* DCBS  
**Cc:** Arthur Towers; Chris Moore; Keith Semple  
**Subject:** OTLA oppose rule change for time-loss calculation

Please accept this email as OTLA's comment regarding a rule change proposed that will lower time-loss benefits for those injured workers who had a rate increase in the 52 weeks before injury.

OTLA opposes the proposed change to OAR 436-060-0025, calculation of time-loss that will average worker's wages rather than multiply the current rate by the hours worked. This change will lower time-rates for all injured workers who had a wage rate increase at any time in the 52 weeks prior to the date of injury. Given that many workers find it difficult to live on their time-loss benefits while recovering from injuries, we oppose this rule change that will negatively impact these workers.

We understand this change was made to simplify calculating TL benefits, but it isn't clear why the current formula would be so much more difficult.

Finally, ORS 656.202 requires benefits be determined on the date of injury. It is hard to see how a wage increase can be ignored, and time-loss be based on the previous wage that is no longer applicable.

As always, we appreciate the work WCD does to address rule changes. We also see many positive changes proposed. Simplifying the extended gap rule is one such change that will likely help both insurers and workers figure out proper benefits.

Chris Frost  
Thomas, Coon, Newton & Frost  
Personal Injury • Social Security Disability • Workers' Compensation

The Thomas Mann Building  
Suite 200  
820 SW Second Avenue  
Portland, OR 97204  
Phone: (503) 228-5222  
Fax: (503) 273-9175  
<http://www.stc-law.com>

[Click Here To Send Me Files Securely](#)

*This communication is privileged, confidential and intended for the designated recipient only. If you receive a copy in error, please send it back and delete your copy.*