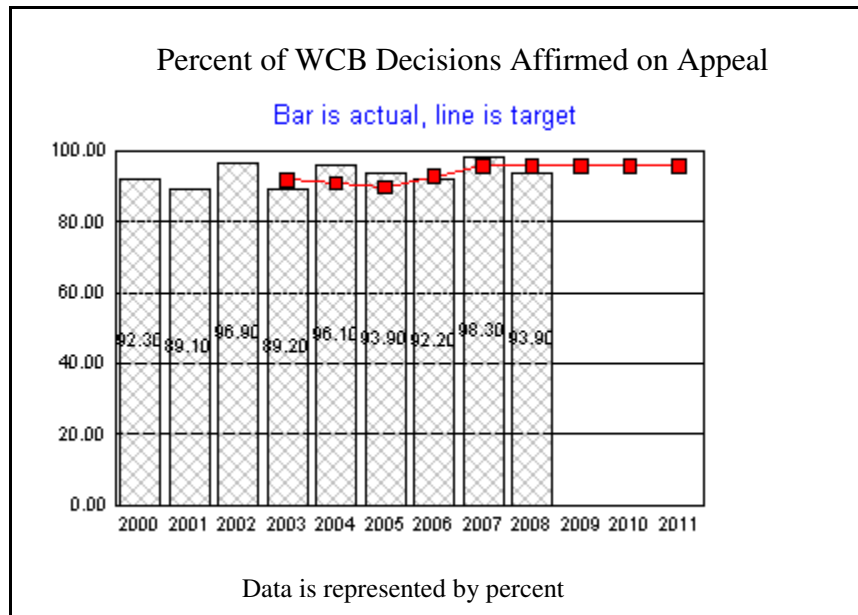


KPM #6	UPHELD WORKERS' COMPENSATION DECISIONS – Percent of Workers' Compensation Board decisions affirmed on appeal to the Judiciary.	2000
Goal	DCBS Goal #1: Protect consumers and workers in Oregon.	
Oregon Context	Oregon Benchmark #9: Oregon's national rank in the cost of doing business.	
Data Source	Data captured from Court of Appeals slip opinions and entered into an Access database maintained by Research and Analysis staff.	
Owner	Abbie Herman, Chair, Workers' Compensation Board, (503) 378-3308	



1. OUR STRATEGY

Achieve consistent and legally sound decisions by conducting an impartial review of the record and the parties' arguments in light of controlling statutes, applicable administrative rules, and case precedent.

The Workers' Compensation Board, consisting of five members appointed by the Governor and confirmed by the Senate, provides timely and impartial resolution of disputes arising under the workers' compensation law. For example, the board may review an injured worker's appeal of an insurer's denial of their claim. A board decision may be appealed to the Court of Appeals if one of the parties believes the decision is in error as a matter of law. Our goal is to achieve substantial justice by providing fair and impartial decisions that are legally sound.

2. ABOUT THE TARGETS

WCB consistently performed at or near established target levels for court affirmation rates from 2000-2007. As a result, we have continued to raise the target even though a single court reversal can dramatically impact the affirmation rate. We will continue to monitor the measurement, particularly taking into account the potential effects of court decisions concerning significant issues that may impact a number of cases.

3. HOW WE ARE DOING

WCB has consistently met its targets. We expect some fluctuations in the numbers because of the small number of cases. In 2008, there were three reversals out of a total of 49 cases. So although the 2008 value of 93.9 percent fell slightly below the target, we still consider it a strong performance and within our desired performance range.

4. HOW WE COMPARE

There is limited data available because every jurisdiction has slightly different systems for resolving disputes in its workers' compensation system.

5. FACTORS AFFECTING RESULTS

The court reviews WCB decisions for errors of law and to determine whether substantial evidence and reason supports WCB's factual findings and conclusions. Because the number of cases is limited (49 cases in 2008, and 59 cases in 2007), a different decision in only a few cases can have a significant impact on the affirmation rate. In addition, one reversal on a key issue could have a "domino" effect and lead to reversals in other cases.

6. WHAT NEEDS TO BE DONE

Board members, with the support of their board review staff, will continue to apply the processes developed for appellate review to issue consistent and legally sound decisions in an efficient manner. The staff will maintain the high standard of providing the court with a complete appellate record in a timely manner and accurately compiling statistical information regarding court dispositions of appealed WCB decisions.

7. ABOUT THE DATA

Data is collected quarterly and reported for the Oregon fiscal year (July 1 – June 30). We gather data directly from court decisions and monitor in a monthly report. To obtain the overall value, we divide the number of WCB rulings affirmed upon appeal to the Court of Appeals by the total number of WCB cases appealed to the Court of Appeals. A link to the court's decisions is available on WCB's Web site at:

<http://www.cbs.state.or.us/wcb/contents/coa.htm>. Note, DCBS reports final values to 1 decimal place. The automated annual report system shows a 0 as the second decimal place, which is a placeholder for measures that may require a second decimal place.