

RESPONSIBILITY CASES

A responsibility case is a case where more than one employer/insurer is potentially responsible for a claimed condition.

- Following the receipt of a responsibility denial, the parties may need to request postponement of the hearing to add all potentially responsible employers/insurers to the litigation.
- Hearings postponed to join additional parties consistent with OAR 438-006-0064 are not subject to mandatory reset within 120 days. ORS 656.283(3)(b).
- An ALJ shall consolidate into one proceeding all cases in which a claimant has requested hearings involving denials of responsibility for a claim issued by insurers or self-insured employers under ORS 656.308(2)(a). OAR 438-006-0065(1).
 - Parties may request consolidation on the Request for Hearing form.
 - Check the consolidation box on the form and include the WCB number(s) of the original file(s). This ensures that after the file is set up, it will be sent to the assigned ALJ and not sent to Docketing for a hearing date.
- The assigned ALJ will retain and manage the file pursuant to OAR 438-006-0064 and ORS 656.283(3)(b).
 - The parties shall participate in any prehearing conferences that the assigned ALJ determines are required to expedite the hearing. OAR 438-006-0064(1).
- The ALJ shall reschedule the hearing as expeditiously as possible after all potentially responsible employers and insurers have been joined in the proceeding and the medical record has been fully developed. ORS 656.283(3)(b); OAR 438-006-0064.

If the Parties Settle the Case(s)

- The party that requested the hearing shall notify the ALJ's office when a case is settled in whole or in part. OAR 438-009-0015(1).

- When submitting settlement documents to the ALJ for approval, ensure the caption is complete and accurate. Consistent with OAR 438-005-0046(3), correspondence to the Hearings Division should include a caption with the following information:
 - Claimant's name;
 - WCB case number;
 - Claim number;
 - Date of hearing (if any); and
 - Assigned ALJ (if any).
- If one settlement agreement covers multiple files, include all WCB numbers and claim numbers contained in the settlement.

Mediation

- The parties may decide to mediate the case(s).
- If the parties agree to mediate, mediations can be scheduled by contacting WCB in one of the following ways:
 - Call the ALJ-mediator's Judicial Assistant.
 - Call the Hearing ALJ's Judicial Assistant.
 - Call the Mediation Program Coordinator.
 - Submit a Request through Online Services.