

December 12, 2013

BULLETIN NO. 2
Effective: April 1, 2014

TO: Workers' Compensation Insurers, Self-Insured Employers, Attorneys

SUBJECT: Third Party Enclosure, Effective April 1, 2014.

The purpose of this bulletin is to provide an informational enclosure to be included with the "third party election" letter as described in OAR 438-011-0055(2). This enclosure provides claimants, beneficiaries, or legal representatives of a deceased worker's estate with information about "third party" law, including the "third party election/assignment" process. This bulletin is effective April 1, 2014.

If a carrier ("paying agency") intends to require the claimant/beneficiaries/legal representative ("the claimant") to exercise the right of election provided in ORS 656.578 to recover damages from a noncomplying employer or third person ("third party"), the paying agency must serve a written demand by registered or certified mail or by personal service upon the claimant or, if represented, the claimant's attorney. *See* OAR 438-011-0055(1). The paying agency is required to provide the claimant with information explaining the third party election/assignment process in a separate enclosure accompanying the "third party election" letter. *See* OAR 438-011-0055(2), (3). The specific form and format for that information is enclosed.

This particular enclosure becomes effective April 1, 2014, and applies to all "third party election" letters served on or after April 1, 2014.

Any questions about the third party enclosure or about procedures and requirements for third party processing under OAR 438-011-0055 should be directed in writing to the Workers' Compensation Board, 2601 25th St. SE Ste. 150, Salem, OR 97302-1280, or by calling the Board's Executive Secretary at (503)934-0123 or toll-free at 1-877-311-8061.

A handwritten signature in black ink, appearing to read 'Holly J. Somers', with a stylized, looping flourish at the end.

Holly J. Somers, Board Chair
Workers' Compensation Board