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In the Matter of the Compensation of  
**CHRISTOPHER L. WILLIAMS, Claimant**  
WCB Case No. 01-07738  
ORDER DENYING RECONSIDERATION  
Claimant Unrepresented  
Jacqueline A Weber, Defense Attorneys

Reviewing Panel: Members Lowell and Bock. Member Phillips Polich concurs in part and dissents in part.

The self-insured employer requests reconsideration of that portion of our June 11, 2003 order that remanded the matter to the Administrative Law Judge (ALJ) for further development of whether claimant was a “volunteer trustee” and whether the county filed a notice of election under ORS 656.031 treating claimant or others like him as municipal workers. For the following reasons, we deny the employer’s motion for reconsideration.

The employer contends that claimant was not a “volunteer” for purposes of Oregon’s workers’ compensation laws, and further development on this matter is unnecessary. According to the employer, claimant was not a municipal “volunteer” under ORS 656.031 because prisoner-workers are conscripts and the element of freedom of choice is absent. Furthermore, the employer argues that claimant was not “personnel” because there was no employment relationship.

After considering the employer’s arguments, we conclude that its contentions may be addressed by the ALJ on remand. After allowing further development of the record, the ALJ may address the employer’s legal arguments, as well as its factual arguments, on the “volunteer” question. In addition, should either party disagree with the ALJ’s subsequent conclusions, the aggrieved party can also present any and all of its arguments (including objections to our decision to remand this case) to the Board on appeal from the ALJ’s eventual order.

Accordingly, the request for reconsideration is denied. The parties’ rights of appeal shall continue to run from the date of our June 11, 2003 order.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on July 10, 2003

Board Member Phillips Polich, concurring in part and dissenting in part.

Although I agree with the majority's decision to deny the employer's motion for reconsideration, I adhere to my prior opinion that claimant was a "subject worker" who was eligible for workers' compensation coverage. For the reasons expressed in my previous opinion, I continue to believe that the matter should be remanded for a hearing on the merits, rather than the "volunteer" issue.