

In the Matter of the Compensation of
GREGORY C. WOLF, Claimant

WCB Case No. 03-01742

ORDER ON REVIEW

Michael B Dye, Claimant Attorneys
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

Claimant requests, and the insurer cross requests, review of Administrative Law Judge (ALJ) Myzak's order that upheld the insurer's denial of claimant's injury claim. On review, the issue is whether claimant was a subject worker.

We adopt and affirm the ALJ's order, holding that claimant was not a subject worker.¹

ORDER

The ALJ's order dated July 28, 2003 is affirmed.

Entered at Salem, Oregon on December 24, 2003

¹ In reaching this decision, it is unnecessary to adopt the ALJ's reasoning regarding the alleged invalidity of the insurer's denial. In other words, even if the insurer's denial was procedurally invalid, claimant filed a hearing request contesting the insurer's position that he was not a subject worker. *See* ORS 656.027(10). Thus, regardless of the procedural validity of the insurer's denial, claimant was able to pursue his claim at hearing that he was a subject worker and, as such, was entitled to compensation. For the reasons expressed in the ALJ's order, we agree that he is not a subject worker and is not entitled to compensation under chapter 656.