

---

In the Matter of the Compensation of  
**MARY JO STROHM, Claimant**  
WCB Case No. 09-01260  
SECOND ORDER ON RECONSIDERATION  
Philip H Garrow, Claimant Attorneys  
Julie Masters, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On January 15, 2010, we withdrew and republished our January 4, 2010 order that awarded 13 percent whole person impairment and 22 percent work disability. We have since received claimant's motion for reconsideration, which seeks an assessed attorney fee of \$3,000 pursuant to ORS 656.382(2) for her counsel's services at hearing in response to the SAIF Corporation's attempt to reduce the Order on Reconsideration's permanent disability awards. *See Crystal DeLeon*, 61 Van Natta 1777 (2009).

In response, SAIF does not dispute that, under *DeLeon*, such a fee is warranted, nor does it object to the amount of the requested fee. Rather, SAIF asserts that *DeLeon* was incorrectly decided. We decline SAIF's request to revisit and disavow our *DeLeon* rationale.

Claimant's attorney is entitled to an assessed fee for services at the hearing level. ORS 656.382(2); *DeLeon*, 61 Van Natta at 1777; *Denise Coleman*, 55 Van Natta 3832, 3838, *recons*, 55 Van Natta 4098 (2003). After considering the factors set forth in OAR 438-015-0010(4), and applying them to this case, we find that a reasonable fee for claimant's attorney's services at the hearing level is \$3,000, payable by SAIF. In reaching this conclusion, we have particularly considered the time devoted to the case (as represented by the hearing record and claimant's counsel's uncontested fee request) the complexity of the issue, the value of the interest involved, and the risk that claimant's counsel might go uncompensated.

Accordingly, we withdraw our January 4, 2010 and January 15, 2010 orders. On reconsideration, as supplemented herein, we republish our prior orders. The parties' rights of appeal shall begin to run from the date of this order.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on February 9, 2010