

In the Matter of the Compensation of
COREY H. MCGARRY, Claimant
WCB Case No. 08-04308, 08-04307, 06-07176
ORDER ON RECONSIDERATION
John M Hoadley, Claimant Attorneys
Julie Masters, SAIF Legal, Defense Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Biehl and Lowell.

On March 17, 2011, we affirmed an Administrative Law Judge's (ALJ's) order that: (1) set aside Liberty Northwest's denial of claimant's left hip injury claim; (2) upheld the SAIF Corporation's denial for the left hip condition; and (3) awarded a \$2,000 assessed attorney fee under ORS 656.308(2)(d), payable by Liberty. Claimant and Liberty request reconsideration, seeking clarification concerning our \$2,000 insurer-paid attorney fee award. In response, we offer the following comments.

Our order affirmed, without modification, the ALJ's order. Because the ALJ's order awarded a \$2,000 insurer-paid attorney fee, payable by Liberty, it follows that our affirmation of the ALJ's decision included that attorney fee award. Furthermore, our order awarded claimant's counsel a \$2,000 insurer-paid attorney fee, payable by Liberty, for "claimant's attorney's services on review" pursuant to ORS 656.382(2). Because our attorney fee award expressly pertained to claimant's counsel's services on review, it follows that our decision affirmed the ALJ's \$2,000 insurer-paid attorney fee award and also granted a separate \$2,000 insurer-paid attorney fee, both awards payable by Liberty.

Accordingly, we withdraw our March 17 order. On reconsideration, as supplemented, we republish our March 17 order. The parties' 30-day rights of appeal shall begin to run from the date of this order.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 29, 2011