

In the Matter of the Compensation of  
**DANIEL L. SANCHEZ, JR., Claimant**  
WCB Case Nos. 10-00148, 09-00011NC  
ORDER ON REVIEW  
Cary et al, Claimant Attorneys  
Brian L Pocock, Defense Attorneys  
Sheridan Levine LLP, Defense Attorneys

Reviewing Panel: Members Lowell and Weddell.

The alleged noncomplying employer (NCE) requests review of Administrative Law Judge (ALJ) Donnelly's order that: (1) affirmed the Workers' Compensation Division's NCE order; and (2) determined that claimant's left shoulder and back injury arose out of and the course of employment. On review, the issues are subjectivity and course and scope of employment.

We adopt and affirm the ALJ's order.

Claimant's attorney is entitled to an assessed fee for services on review. *See* ORS 656.382(2); 656.054(1). 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 on review is \$1,800 to be paid by Sedgwick, on behalf of the NCE. In reaching this conclusion, we have particularly considered the time devoted to the case (as represented by claimant's respondent's brief and his counsel's fee statement), the complexity of the issues, and the value of the interest involved.

ORDER

The ALJ's order dated August 19, 2010 is affirmed. For services on review, claimant is awarded a \$1,800 attorney fee, payable by Sedgwick, on behalf of the NCE.

Entered at Salem, Oregon on April 13, 2011