

In the Matter of the Compensation of  
**GARY D. SATHER, Claimant**

WCB Case No. 10-04793

ORDER ON REVIEW

Hooton Wold & Okrent LLP, Claimant Attorneys  
James B Northrop, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Weddell.

Claimant requests review of Administrative Law Judge (ALJ) Sencer's order that found that his low back injury claim was not prematurely closed. On review, the issue is premature closure.

We adopt and affirm the ALJ's order with the following supplementation.

Claimant acknowledges that his arguments concerning the employer's claim closure pursuant to ORS 656.268(1)(b) are unavailing under current Board precedent. *See Willie L. Frison*, 63 Van Natta 1331, 1332 (2011); *Davis W. Dawley*, 62 Van Natta 2503 (2010); *Johnathan M. Humphrey*, 61 Van Natta 357, 358-59 (2009). We adhere to that precedent in finding that claimant's claim was not prematurely closed.

Claimant alternatively argues that his claim was not properly closed under ORS 656.268(1)(a). Claim closure, however, is proper so long as *any* criterion is satisfied under ORS 656.268(1)(a), (b), (c), *or* (d). *See* ORS 656.268(1); OAR 436-030-0034(5) (WCD Admin. Order 09-056, eff. January 1, 2010); *Frison*, 63 Van Natta at 1332 n 1. Consequently, because claim closure was appropriate under ORS 656.268(1)(b), it is not necessary to separately determine whether claim closure may also have been appropriate under ORS 656.268(1)(a). *Frison*, 63 Van Natta at 1332 n 1.<sup>1</sup>

ORDER

The ALJ's order dated March 2, 2011 is affirmed.

Entered at Salem, Oregon on August 4, 2011

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<sup>1</sup> We further note that the case that claimant cites in support of his argument regarding claim closure under ORS 656.268(1)(a), *Davis W. Dawley*, 62 Van Natta 2850 (2010) ("*Dawley II*"), involved a compensability dispute, not the propriety of claim closure. Therefore, it is inapposite to the instant matter. *See Frison*, 63 Van Natta at 1332 n 1.