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In the Matter of the Compensation of  
**DENNIS D. HALL, Claimant**  
WCB Case No. 16-00505  
**ORDER OF DISMISSAL**  
Unrepresented Claimant  
Hornecker Cowling et al, Defense Attorneys  
Sheridan Levine LLP, Defense Attorneys

Reviewing Panel: Members Weddell and Johnson.

Claimant, *pro se*,<sup>1</sup> has requested review of Administrative Law Judge (ALJ) Smith's order that dismissed the alleged noncomplying employer's (NCE's) hearing request regarding its objection to a claim. Because claimant is not an aggrieved party to the ALJ's dismissal order, we dismiss the request for review.

FINDINGS OF FACT

On January 4, 2016, the Workers' Compensation Division (WCD) issued an order finding the employer to be an NCE. On January 20, 2016, the alleged NCE filed a hearing request from the WCD's order. The hearing request also included an objection to claimant's workers' compensation claim. Two case numbers were created, WCB Case No. 16-00008NC (dealing with the WCD's NCE determination) and WCB Case No. 16-00505 (dealing with the alleged NCE's objection to the claim).<sup>2</sup> The cases were consolidated for hearing.

On May 10, 2016, the alleged NCE withdrew its hearing request regarding its objection to claimant's claim. On May 17, 2016, the ALJ issued an Order of Dismissal, which dismissed the alleged NCE's hearing request in WCB Case No. 16-00505.

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<sup>1</sup> Inasmuch as claimant is unrepresented, he may wish to consult the Ombudsman for Injured Workers. He may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES  
OMBUDSMAN FOR INJURED WORKERS  
PO BOX 14480  
SALEM OR 97309-0405

<sup>2</sup> ORS 656.054(1) allows an NCE to object to a claim at any time during which the claim may be accepted or denied by the assigned claims agent, but the assigned claims agent has the statutory responsibility to accept or deny the claim. *Dale Scott*, 62 Van Natta 1119, 1121 (2010); *see also Clark v. Linn*, 98 Or App 393 (1989).

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CONCLUSIONS OF LAW AND OPINION

Claimant has filed a request for Board review of the ALJ's order. In doing so, he asserts that he received a denial on March 4, 2016. He further represents that, on March 10, 2016, he mailed a request for hearing contesting that denial to the Board. Accordingly, he seeks a hearing regarding the denial.

We have previously held that, in order for us to have jurisdiction over a party's request for review of an ALJ's order, the party requesting Board review must be "aggrieved." *Dennis J. Dickens*, 58 Van Natta 685 (2006).

Here, the ALJ's order dismissed only the alleged NCE's hearing request regarding its objection to claimant's claim.<sup>3</sup> Because the alleged NCE has withdrawn its opposition to the claim, claimant is not an aggrieved party concerning the ALJ's order dismissing that particular hearing request. *See Dennis P. Jones*, 58 Van Natta 892 (2006) (dismissing a claimant's request for review of ALJ's order dismissing the carrier's request for hearing from an Order on Reconsideration, because the claimant had not filed a request for hearing and was not "aggrieved" by the ALJ's dismissal order). Consequently, we lack jurisdiction over claimant's request for review.

Accordingly, claimant's request for review is dismissed.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on June 23, 2016

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<sup>3</sup> As of the date of this order, the Board has no record of receiving claimant's March 10, 2016 hearing request, to which he refers in his current "request." Under such circumstances, a copy of claimant's recent request has been referred to the Hearings Division for the processing of a request for hearing. *See* ORS 656.283(2); OAR 438-005-0070. That case has been assigned WCB Case No. 16-02876, which will be referred to ALJ Smith. Any further submissions regarding that hearing request and WCB case, should be directed to ALJ Smith.