Ex. 5

AGC Oregon Columbia Chapter
ASSOCIATED GENERAL CONTRACTORS

9450 SW Commerce Circle, #200
Wilsonville, OR 97070
503-682-3363
www.agc-oregon.org

November 16, 2026

Joy Dougherty, Board Chair
Workers' Compensation Board
2601 25th St. SE, Ste. 150
Salem, OR 97302

Re: Biennial Attorney Fee Review - OAR 438-015-0033

Dear Chair Dougherty and Members of the Workers' Compensation Board:

Associated General Contractors Oregon-Columbia Chapter (AGC) appreciates the opportunity to provide comments regarding the Board's biennial attorney fee review and potential amendments to OAR 438-015-0033.

AGC supports revisions that improve consistency, transparency, and administrative efficiency in the processing of attorney fee requests. Clear and uniform procedures benefit all parties and help reduce avoidable disputes and delays.

Specifically, AGC supports requiring claimant attorneys to use the Board's prescribed form when requesting attorney fees under OAR 438-015-0033. A standardized form helps ensure that necessary information is submitted in a consistent format and allows insurers and self-insured employers to promptly identify and process fee requests.

AGC also supports requiring attorney fee requests to be submitted separately from other correspondence or records. When fee requests are included within larger document submissions, they can be more difficult to identify and process, resulting in unnecessary delays.

Finally, AGC supports clarifying that insurers and self-insured employers are not required to pay or formally contest fee requests that do not comply with the rule's requirements. Instead, claimant's counsel should be permitted to submit a corrected request. This approach promotes efficiency and provides a straightforward process for resolving incomplete or deficient submissions.

AGC believes these changes will improve administrative efficiency and promote greater consistency in Oregon's workers' compensation system without limiting the ability of claimant attorneys to obtain payment for properly documented services.

Thank you for your consideration of these comments and for your continued work on this review.

Sincerely,

Maggie Gerlicher
Public Affairs Manager
Associated General Contractors Oregon-Columbia Chapter

2026 OFFICERS
Brandon Flint
President
Stacy Lewallen
First Vice President
Greg Morrill
Second Vice President
Ken Kubacki
Secretary
Tracy Allen
Treasurer
Josh Dennis
Board Counsel
Dylan Bochsler
Immediate Past President
CHIEF EXECUTIVE OFFICER
Josh Tompkins