

**Workers' Compensation Board
Tuesday, February 3, 2015
10:30 a.m.**

Meeting Minutes

Present: Holly Somers, Chair
Sally Curey, Member
Judy Johnson, Member
Steve Lanning, Member
Margaret Weddell, Member
Roger Pearson, Managing Attorney
Joy Dougherty, Presiding Administrative Law Judge
Karen Burton, Executive Assistant
Julie Masters, SAIF Attorney

Call to Order

Chair Somers called the meeting to order.

Approval of Agenda and Order of Business

Member Weddell moved for approval of the agenda. Member Curey seconded. Motion carried.

Approval of Past Minutes

Member Johnson moved for approval of the December 4, 2014 meeting minutes. Member Lanning seconded. Motion carried.

Reports of Administrative Staff

Hearings Division: No report.

Board Review: No report.

Administrative Services Division: In Bello's absence, Chair Somers reported that the Portal "Open House" meetings in each staffed location were well attended by many practitioners and assistants to learn more about using the Portal.

Unfinished Business

None.

New Business

Further discussion, including Presiding ALJ Dougherty's report of meetings with ALJs, regarding cases where exhibits are submitted "on-the-record" without a formal hearing.

As determined at the Board's December 2014 meeting, PALJ Dougherty agreed to monitor the possible effects of the recent amendments to OAR 438-006-0045 (parties must verify that they have made a good faith effort to confer in an attempt to clarify the issues), would have on "on-the-record" cases. She followed up with the ALJs and reported the majority indicated no further issues have come about with the new rule.

Member Johnson believed that if ALJs were having problems, only then should the Board consider a rule as most on-the-record hearings are accomplished without issue. If the ALJs believe that hearings are proceeding in an orderly manner, Member Johnson would not support a rule that limits the ALJs' authority.

Member Weddell favored a rule to determine what the issues are before arguments are taken. She did not believe a rule would limit an ALJ's authority, but would create a process to make it easier for the parties.

Member Curey was not convinced that a rule would significantly improve the process, and suggested the Board take no action at the present time, but table further discussion on the matter unless and until future issues came up regarding the subject.

Member Lanning was not supportive of a rule in this instance.

Chair Somers agreed the topic should be tabled. The Members concurred.

Public Comment

None.

Announcements

None.

Adjournment

There being no further business, the meeting adjourned.