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BOARD NEWS

Board Meeting – December 18, 2025

The Members have scheduled a public meeting for December 18, 2025, at 10:30 a.m., which will be held in Hearing Room A at the Workers' Compensation Board's (WCB) Salem office (2601 25th St. SE, Ste. 150).

The agenda for the Board meeting will be:

- Five-year rule review of OAR 438-015-0125 “Bifurcation of Attorney Fee Award (Board Review)” under ORS 183.405
- Proposed rule amendments to OAR 438-022 “Rulemaking Procedures”
- Proposed rule amendments to OAR 438-015-0019 “Cost Bill Procedures; Assessed Attorney Fees When the Claimant Prevails in a Cost Bill Dispute”

A formal announcement regarding this Board meeting will be electronically distributed to those individuals, entities, and organizations who have registered for these notifications at <https://service.govdelivery.com/accounts/ORDCBS/subscriber/new>.

Proposed Amendments to OAR 438 Division 22 “Rulemaking Procedures” and OAR 438-015-0019 “Cost Bill Procedures; Assessed Attorney Fees When the Claimant Prevails in a Cost Bill Dispute”

At its October 23, 2025, public meeting, the Board agreed to propose amendments to OAR 438 division 22 regarding its rulemaking procedures and to OAR 438-015-0019 to raise the statutory maximum allowable costs awarded for prevailing against a claim denial.

[Proposed amendments](#) to OAR 438-022-0005 and OAR 438-022-0010 include a note directing the reader where to find the Attorney General's Model Rules for Rulemaking, allow notice of proposed rulemaking actions to be provided by email, and notify persons and organizations how to request to receive notification by email or mail.

[Proposed amendments](#) to OAR 438-015-0019 increase the cap on reasonable costs and expenses from \$1,500 to \$3,500, and provide for annual adjustments to the cap based on increases, if any, to the average weekly wage.

Written public comments regarding the changes must be received by December 18, 2025, at 10:30 a.m. in advance of the Board's public meeting.

Comments should be directed to the Board's rules coordinator, Autumn Blake, by email to autumn.k.blake@wcb.oregon.gov, by fax at 503-373-01684, or by regular mail to 2601 25th St SE Ste 150, Salem OR 97302.

WCB Website Maintenance Delayed

Previously announced maintenance to the WCB website has been delayed. Future notices will be announced in News & Case Notes and on WCB's website.

APPELLATE DECISIONS COURT OF APPEALS

INJURY V. OCCUPATIONAL DISEASE: Claim Was Properly Analyzed as an Injury – Board Order Supported by Substantial Evidence and Reason

Fred Meyer Stores v. Anderson, 344 Or App 60 (October 8, 2025). The Court of Appeals affirmed a Board order that found that the claimant's right knee claim was properly analyzed as an injury, as opposed to an occupational disease, where the claimant experienced an undiagnosed knee strain followed by increased symptoms and a knee sprain over several weeks. Citing *Vatlinson v. SAIF*, 56 Van Natta 184, 188 (1982), the court reasoned that an injury does not need to be "instantaneous," but may occur over a short discrete period of time. The court also determined that the Board adequately explained why it found that the physician's opinion supporting compensability was more persuasive than the contrary opinions.