

Voluntary Attorney Fee Process Post-Decision

438-015-????

- (1) Claimant may request a separate proceeding to determine an attorney fee award. If a separate proceeding is not requested, the ALJ shall determine entitled to and amount of attorney fees in the order.
- (2) If claimant requests a separate proceeding, information upon which to base an attorney fee shall be served and filed within 21 days after the date of mailing of the decision to the parties and attorneys.
- (3) Claimant's attorney may file a Statement of Services containing relevant information as indicated in OAR 438-015-0010.
- (4) Objections to a Statement of Services shall be served and filed within 14 days after the date the Statement of Services is filed. A reply, if any shall be served and filed within 14 days after the date of service of the objections.
- (5) When the entitlement to attorney fees is contingent upon another event, the award of attorney fees may be conditioned upon that event.
- (6) A decision on the attorney fee award shall be issued within 14 days thereafter.
- (7) The requirements of the administrative rule may be waived.