
In the Matter of the Compensation of
MARY JO STROHM, Claimant
WCB Case No. 09-01260
ORDER ON RECONSIDERATION
Philip H Garrow, Claimant Attorneys
Julie Masters, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On January 4, 2010, we reversed an Administrative Law Judge's (ALJ's) order that awarded 7 percent whole person impairment and 22 percent work disability, whereas an Order on Reconsideration awarded 13 percent whole person impairment and 28 percent work disability. In doing so, we affirmed the Order on Reconsideration in its entirety. Claimant requests reconsideration, noting that, although the body of our prior order affirmed the reconsideration order's award of 13 percent whole person impairment and 28 percent work disability, the "Order" portion only referenced the 28 percent work disability award. To clarify any potential ambiguity, we replace the paragraph in the "Order" portion on page 5 of our prior order with the following language:

"The ALJ's order dated July 27, 2009 is reversed. The Order on Reconsideration's award of 13 percent whole person impairment and 28 percent work disability is reinstated and affirmed. Claimant's counsel is entitled to an "out-of-compensation" attorney fee equal to 25 percent of the increased compensation created by this order (*i.e.*, the increase between the ALJ's 7 percent whole person impairment and 22 percent work disability award and our 13 percent whole person impairment and 28 percent work disability award), not to exceed \$6,000, payable by SAIF directly to claimant's counsel."

Accordingly, we withdraw our January 4, 2010 order. On reconsideration, as supplemented herein, we republish our January 4, 2010 order. The parties' rights of appeal shall begin to run from the date of this order.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 15, 2010