

---

In the Matter of the Compensation of  
**ROBERT P. HANEWALL, Claimant**  
WCB Case No. 11-03526  
ORDER ON REVIEW  
George J Wall, Claimant Attorneys  
David Runner, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Weddell and Lowell.

Claimant requests review of Administrative Law Judge (ALJ) Sencer's order that: (1) declined to award additional temporary disability benefits; and (2) declined to award penalties and attorney fees for allegedly unreasonable claim processing. On review, the issues are temporary disability, penalties and attorney fees.

We adopt and affirm the ALJ's order.<sup>1</sup>

ORDER

The ALJ's order dated December 2, 2011 is affirmed.

Entered at Salem, Oregon on June 13, 2012

---

<sup>1</sup> Claimant primarily argues that he was improperly terminated because the insured, under its own policy, failed to timely administer a test. Our inquiry under ORS 656.325(5)(b), however, is whether claimant was terminated for violating a work rule (or for other disciplinary reasons). *See Kevin H. Fisher*, 56 Van Natta 3173, 3174 (2004). On that question, the record establishes that claimant failed the aforementioned test, and that such a failure is deemed to be a terminable violation of the employer's work rule/policy. (Ex. C-2). The record further establishes that the test failure was the reason for the termination. (Tr. 40). Consequently, claimant is not entitled to additional temporary disability benefits. ORS 656.325(5)(b).