

In the Matter of the Compensation of
MUSIE W. HAILE, Claimant
WCB Case No. 11-03099
ORDER ON REVIEW
Brownstein Rask Et Al, Claimant Attorneys
Jill Gragg, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Weddell and Langer. Member Weddell specially concurs.

Claimant requests review of those portions of Administrative Law Judge (ALJ) Sencer's order that: (1) found that he was not a "subject worker;" and (2) upheld the SAIF Corporation's denial of his injury claim for a traumatic brain injury. In its respondent's brief, SAIF contests those portions of the ALJ's order that found that claimant established "good cause" under ORS 656.319(1)(b) for his untimely filed hearing request. On review, the issues are good cause, subjectivity, and, potentially, compensability.

We adopt and affirm that portion of the ALJ's order that found that claimant was not a subject worker under ORS 656.027(15)(c). *See Leah D. Hamilton*, 64 Van Natta 259, *recons*, 64 Van Natta 465 (2012) (Board declined to resolve "timeliness/good cause" issue regarding hearing request from carrier's denial because claim was not compensable on the merits).

ORDER

The ALJ's order dated April 12, 2012 is affirmed.

Entered at Salem, Oregon on November 21, 2012

Member Weddell, specially concurring.

I write separately to clarify that I would adopt the ALJ's order in its entirety, including the conclusion that claimant established "good cause" under ORS 656.319(1)(b) for his untimely filed hearing request.