

In the Matter of the Compensation of  
**RUBY KERR, Claimant**  
WCB Case No. 14-02139  
ORDER ON REVIEW  
Julene M Quinn LLC, Claimant Attorneys  
SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

The SAIF Corporation requests review of Administrative Law Judge (ALJ) Ogawa's order that set aside its denial of claimant's injury claim for a C7-T1 disc herniation. On review, the issue is compensability.

We adopt and affirm the ALJ's order.

Claimant's attorney is entitled to an assessed fee for services on review. ORS 656.382(2). After considering the factors set forth in OAR 438-015-0010(4) and applying them to this case, we find that a reasonable attorney fee award is \$4,000, to be paid by SAIF. In reaching this conclusion, we have particularly considered the time devoted to the case (as represented by claimant's respondent brief, and her counsel's fee request), the complexity of the issue, the value of the interest involved, the risk that claimant's counsel might go uncompensated.<sup>1</sup>

Finally, claimant is awarded reasonable expenses and costs for records, expert opinions, and witness fees, if any, incurred in finally prevailing over the denial, to be paid by SAIF. See ORS 656.386(2); OAR 438-015-0019; *Gary Gettman*, 60 Van Natta 2862 (2008). The procedure for recovering this award, if any, is described in OAR 438-015-0019 (3).

ORDER

The ALJ's order dated March 10, 2015 is affirmed. For services on review claimant's attorney is awarded an assessed fee of \$4,000, payable by SAIF. Claimant is awarded reasonable expenses for records, expert opinions, and witness fees, if any, incurred in finally prevailing over the denial, to be paid by SAIF.

Entered at Salem, Oregon on July 23, 2015

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<sup>1</sup> We are required to award a reasonable attorney fee, irrespective of a specific objection to a claimant's counsel's request. See *Terilynn McNiel-Dade*, 67 Van Natta 246, 253 n 5 (2015); *Daniel M. McCartney*, 56 Van Natta 460 (2004).