
In the Matter of the Compensation of
WILLIAM H. MORGAN, Applicant
WCB Case No.16-00001CV
ORDER ON REVIEW (CRIME VICTIMS' ACT) (REMANDING)
Unrepresented Claimant
Dept of Justice – GCD-BAS, Defense Attorneys

Reviewing Panel: Members Lanning and Johnson.

Applicant has requested review by the Workers' Compensation Board (Board) of a Determination Order dated June 19, 2015, as reconsidered on October 15, 2015, issued by the Department of Justice Crime Victims' Assistance Section (Department). By its orders, the Department denied compensation to applicant under the Compensation of Crime Victims Act (Act), ORS Chapter 147.¹ With his request for review, applicant submitted numerous documents.

We are statutorily restricted from considering any evidence that has not been considered by the Department. *See* ORS 147.155(5). Therefore, we lack the authority to admit any evidence that has not previously been considered by the Department.

Copies of applicant's submission were provided to the Department. Confirming that a number of those documents were not included in its record, the Department is willing to accept remand to reconsider its decision in light of applicant's additional written materials.

Based on the Department's response, we dismiss applicant's request for Board review and remand this matter to the Department to reconsider its prior decision in light of the additional information provided by applicant.² *See Hollis L.*

¹ Applicant and his father, Lewis R. Morgan, have filed their requests for review of separate Department orders in combination. Because there are separate orders concerning their individual claims for benefits, applicant and his father are reminded to present separate requests for review and written arguments if they eventually appeal the Department's subsequent reconsideration decision.

² In taking this action, we remind applicant that this is his final opportunity to submit additional documentation to the Department for consideration. In other words, if applicant requests review of the Department's subsequent reconsideration order and again attempts to submit additional documentation, it is likely that we will decline to return this claim to the Department, but rather will proceed with our review based on the record developed before the Department. *See Susann J. Shine*, 58 Van Natta 131 (2006) (on review of "post-remand" Department's reconsideration order, Board neither considered nor remanded to Department for further consideration of the applicant's submission of additional documentation).

McClure, 65 Van Natta 52 (2013); *Kathryn L. Owens*, 49 Van Natta 2073 (1997).
In the event that applicant is dissatisfied with the Department's eventual reconsideration order, he may then request Board review of that decision.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 1, 2016