

In the Matter of the Compensation of  
**SIMEON MARTINEZ, Claimant**  
WCB Case No. 15-05668  
**ORDER OF DISMISSAL**  
Colin Hackett Law PC, Claimant Attorneys  
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Curey and Weddell.

Dr. Mah, a physician, has filed a request for review of Administrative Law Judge (ALJ) Fisher's order that dismissed claimant's request for administrative review of unpaid medical bills, which had been transferred from the Workers' Compensation Division (WCD) to the Board's Hearings Division. We have reviewed the request to determine whether we have jurisdiction to consider it. Based on the following reasoning, the request is dismissed.

FINDINGS OF FACT

In response to claimant's request for administrative review of unpaid medical bills from Dr. Mah, WCD issued a "Defer and Transfer" order, referring the causation dispute to the Hearings Division for resolution of that issue. Thereafter, claimant, through his then-attorney of record, withdrew his hearing request.

CONCLUSIONS OF LAW AND OPINION

Based on claimant's withdrawal, the ALJ issued an order dismissing the hearing request. Dr. Mah has filed a request for review of the ALJ's order, seeking review of this medical service claim.

A "party" may request Board review of an ALJ's order. ORS 656.289(3); ORS 656.295(2). "Party" means a claimant for compensation, the employer of the injured worker at the time of injury and the insurer, if any, of such employer. ORS 656.005(21). A physician is not a "party." *James A. Denny*, 45 Van Natta 424 (1993); *Stephanie A. Gee*, 41 Van Natta 2324 (1991), *recons*, 42 Van Natta 47 (1992); *Karen K. Van Santen*, 40 Van Natta 63 (1988).

Here, Dr. Mah has requested Board review of the ALJ's order. However, Dr. Mah is a physician. He is neither the injured worker, the employer, nor its insurer/claim administrator. Consequently, Dr. Mah is not a "party." ORS 656.005(21); *Denny*, 45 Van Natta at 424.

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Under such circumstances, we are not authorized to consider this request for Board review of the ALJ's order.<sup>1</sup> Accordingly, the request is dismissed.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on March 24, 2016

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<sup>1</sup>Because claimant's administrative review of the unpaid medical bills originated with WCD (which resulted in its "Defer and Transfer" order), Dr. Mah may wish to consider directing his request to WCD. However, because claimant has chosen to withdraw his request for an ALJ's resolution of the parties' dispute regarding the causal relationship between the compensable injury and the medical services, the scope of WCD's review authority may be significantly limited.