

In the Matter of the Compensation of
BARBARA A. EVANS, Claimant
WCB Case No. 16-01277
ORDER ON REVIEW
Ransom Gilbertson Martin et al, Claimant's Attorneys
SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

The SAIF Corporation requests review of Administrative Law Judge (ALJ) Naugle's order that: (1) found that claimant's injury claim for a right knee condition was timely filed; and (2) set aside SAIF's denial of the injury claim. On review, the issues are timeliness of claim filing and 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 fee for claimant's attorney's services on review is \$4,500, payable by SAIF. In reaching this conclusion, we have particularly considered the time devoted to the case (as represented by the claimant's respondent's brief), the complexity of the issues, the value of the interest involved, the risk that claimant's counsel may go uncompensated, and the contingent nature of the practice of workers' compensation law.

Finally, claimant is awarded reasonable expenses and costs for records, expert opinions, and witness fees, 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 prescribed in OAR 438-015-0019(3).

ORDER

The ALJ's order dated September 4, 2018 is affirmed. For services on review, claimant's attorney is awarded an assessed fee of \$4,500, to be paid by SAIF. 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.

Entered at Salem, Oregon on May 3, 2019