

FILED: January 9, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Compensation of
Terri L. Preston, Claimant.

SAIF CORPORATION;
and DCI HOLDINGS, INC.,
Petitioners,

v.

TERRI L. PRESTON,
Respondent.

Workers' Compensation Board
0901227

A144676

On remand from the Oregon Supreme Court, [*SAIF Corporation v. Preston*](#), 352 Or 564 (2012).

Submitted on remand November 30, 2012.

David L. Runner for petitioners.

Matthew L. Roy and Dunn & Roy for respondent.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Nakamoto, Judge.

PER CURIAM

Affirmed.

1 PER CURIAM

2 Like [SAIF v. Haley](#), 254 Or App 410, ___ P3d ___ (2012), this case is on
3 remand from the Supreme Court. [SAIF v. Preston](#), 352 Or 564, ___ P3d ___ (2012). In
4 our earlier decision, 242 Or App 571, 256 P3d 160 (2011), we held that claimant was not
5 entitled to an insurer-paid attorney fee under ORS 656.382(2) (2007)¹ because, although
6 SAIF had at one point challenged her entitlement to permanent partial disability and she
7 ultimately prevailed, she did not prevail at the same hearing that considered SAIF's
8 challenge; rather, she prevailed at a subsequent hearing before the Workers'
9 Compensation Board. We relied on our decision in [SAIF v. DeLeon](#), 241 Or App 614,
10 251 P3d 794 (2011). The Supreme Court has now reversed that decision, [SAIF v.](#)
11 [DeLeon](#), 352 Or 130, 282 P3d 800 (2012), and held that the claimant in that case was
12 entitled to insurer-paid attorney fees because she *ultimately* prevailed after the insurer had
13 challenged her award at an *earlier* stage--the same circumstances as here. On remand,
14 therefore, we reinstate the Workers' Compensation Board order and the insurer-paid
15 attorney fees that the board awarded. *Accord Haley*, 254 Or App at ___.

16 Affirmed.

¹ ORS 656.382(2) (2007) provides, in part:

"If a request for hearing * * * is initiated by an employer or insurer, and the * * * board * * * finds that the compensation awarded to a claimant should not be disallowed or reduced, the employer or insurer shall be required to pay to the claimant or the attorney of the claimant a reasonable attorney fee * * * for legal representation by an attorney for the claimant at and prior to the hearing * * *."