



# New Oregon Notice of Closure requirements and forms in fatality claims

By Michael H. Jones ■ August 4, 2015

Newly-enacted Oregon statutes require insurers or self-insured employers to send workers' compensation claim closure notices and extended reconsideration time limits to beneficiaries of deceased claimants; revised rules and forms are now in place.

On May 21, 2015, Gov. Kate Brown signed into law SB 371, amending portions of ORS 656.268 and 656.218 and providing a deceased worker's beneficiaries the right to request reconsideration of a Notice of Closure. The Workers' Compensation Division immediately adopted temporary rules implementing these amendments and issued revised Notice of Closure forms to be used in all claims closed on or after May 21, 2015.<sup>1</sup>

Before passage, insurers and self-insured employers were not required to provide a deceased worker's estate or beneficiaries a Notice of Closure. As a result, the estate or beneficiaries may not have been able to request reconsideration within the time limit or even know there was a time limit.

## Beneficiaries' appeal rights

Under the amended statutes and rules, a deceased worker's beneficiaries may object to the Notice of Closure by requesting reconsideration by the director. If the party requesting reconsideration was mailed a copy of the Notice of Closure pursuant to ORS 656.268(5)(b), the party may request reconsideration within 60 days. If the beneficiary requesting reconsideration was not mailed the Notice of Closure, the deadline to request reconsideration is extended to one year.<sup>2</sup>

If the worker dies after the Notice of Closure issues, the statutory beneficiaries are entitled to request reconsideration of the Notice of Closure and pursue the matter to final determination.<sup>3</sup> If the worker dies after filing a request for reconsideration, the statutory beneficiaries are entitled to pursue the matter to final determination.<sup>4</sup>

## New notice requirements

If the worker is deceased at the time the Notice of Closure is issued, the insurer or self-insured employer must mail the worker's copy of the Notice of Closure, addressed to the estate of the worker, to the worker's last known address and may mail copies of the Notice of Closure to any known or potential

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***A deceased worker's beneficiaries may object to the Notice of Closure by requesting reconsideration***



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## Notice of Closure in fatality claims (continued)

beneficiaries to the estate of the deceased worker.<sup>5</sup> The Notice of Closure must provide notice of the beneficiaries' appeal rights, including the extension of time to request reconsideration for those beneficiaries not mailed a copy of the Notice of Closure.<sup>6</sup>

To retrieve the revised forms, go to:  
[http://www.cbs.state.or.us/wcd/policy/bulletins/ab\\_index.html](http://www.cbs.state.or.us/wcd/policy/bulletins/ab_index.html)

### Related reading

*For related reading, please see the earlier Reinisch Wilson Weier blog, "Did you know: death benefits are available to Oregon workers who are PTD." Go to: <http://rwwcomplaw.com/oregon-ptd-death-benefits/>. ■*

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- <sup>1</sup> See Workers' Compensation Division Bulletin 139 (May 22, 2015).  
(See [http://www.cbs.state.or.us/wcd/policy/bulletins/ab\\_index.html](http://www.cbs.state.or.us/wcd/policy/bulletins/ab_index.html))
- <sup>2</sup> ORS 656.268(5)(e); OAR 436-030-0145(1).
- <sup>3</sup> ORS 656.218(4).
- <sup>4</sup> ORS 656.218(3).
- <sup>5</sup> ORS 656.268(5)(b); OAR 436-030-0020(9).
- <sup>6</sup> ORS 656.268(5)(c)(B).

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