



Oregon

Theodore R. Kulongoski, Governor

Workers' Compensation Board

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Description of a Hearing

A typical hearing in a case that comes before the Workers' Compensation Board's Hearings Division is like a trial conducted by a judge (without a jury) in civil court. The parties to the case appear in person, generally with attorneys representing each side. The proceeding is officially recorded.

At the beginning of the proceeding the Administrative Law Judge (ALJ) will, through discussions with the attorneys, clarify the issues and identify any factual or legal stipulations (agreements) that can be reached. Then the ALJ will identify and decide whether to admit into the evidentiary record various documents presented by the parties. The attorneys then present opening statements (which generally describe their views of what the case is about), followed by the presentation of testimony (given under oath or affirmation).

The party with the burden of proof (generally the party who requested the hearing) will present its witnesses first, followed by the witnesses for the responding party. Some cases involve only one witness: the injured worker. Sometimes there are additional witnesses: the injured worker's spouse or co-workers, or a supervisor from the worker's place of employment. Occasionally, there are one or more medical witnesses. As to each witness, the attorney calling the witness will ask the witness various questions, and then the attorney for the other party will have the opportunity to ask questions.

After the testimony has been completed, the attorneys for the parties usually present oral closing arguments. In those cases where all of the evidence and arguments are presented at the hearing, the ALJ will close the record and issue a written decision within 30 days.

In some cases the record is kept open following the hearing for the submission by the parties of additional evidence: for example, depositions of medical experts. Once this additional evidence has been submitted, the attorneys will either submit written closing arguments or present their arguments to the ALJ in a teleconference. When such matters have been completed, the ALJ will close the record and issue a written decision within 30 days.