

In the Matter of the Compensation of  
**ALFREDO G. GARCIA, Claimant**  
WCB Case No. 97-08876  
ORDER ON REVIEW  
Stanley Fields, Claimant Attorneys  
Reinisch, MacKenzie et al, Defense Attorneys

Reviewed by Board Members Biehl and Haynes.

The self-insured employer requests review of Administrative Law Judge (ALJ) Livesley's order that set aside its denial of claimant's left knee injury claim. On review, the issue is compensability.

We adopt and affirm the ALJ's order with the following changes and supplementation. In the third paragraph on page 4, we delete the last sentence. In the sixth paragraph on page 4, we replace the second sentence with the following: "Because Dr. Read treated claimant on only one occasion, her opinion is not entitled to any particular deference as a treating physician." In the last paragraph on page 4, we replace the fourth sentence with the following: "Dr. Read acknowledged that claimant's examination findings could be consistent with a diagnosis of a knee strain. (Ex. 16-10)." In the second full paragraph on page 5, we change the last sentence to read: "The record indicates that Dr. Ballard was provided copies of the reports from Drs. Schilperoort, Snider and French. (Ex. 17)."

Claimant's attorney is entitled to an assessed fee for services on review. ORS 656.382(2). Although claimant's attorney has requested an assessed fee of \$2,000, he did not submit a statement of services showing the time devoted to the case on review. Claimant's respondent's brief is 6 pages in length. 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 \$1,250, payable by the self-insured employer. In reaching this conclusion, we have particularly considered the time devoted to the case (as represented by claimant's respondent's brief), the complexity of the issue, and the value of the interest involved.

ORDER

The ALJ's order dated February 19, 1999 is affirmed. For services on review, claimant's attorney is awarded \$1,250, payable by the self-insured employer.

Entered at Salem, Oregon on July 15, 1999