

In the Matter of the Compensation of  
**MARCELINO GARCIA, Claimant**  
WCB Case No. 00-09631  
ORDER ON REVIEW  
Claimant Unrepresented  
Lundeen Et Al, Defense Attorneys

Reviewing Panel: Members Biehl and Meyers.

Claimant, *pro se*, requests review of Administrative Law Judge (ALJ) Kekauoha's order that dismissed his request for hearing. On review, the issue is the propriety of the ALJ's dismissal order.

We adopt and affirm the ALJ's order with the following supplementation.

The issue in this case is whether the ALJ properly concluded that claimant's December 2000 letter was actually a request for reconsideration of the ALJ's December 19, 2000 Opinion and Order in WCB Case No. 00-05947, rather than a new request for hearing. Based on our review of the record, we conclude that claimant's letter was properly deemed a request for reconsideration in WCB Case No. 00-05947. Claimant's letter referenced "WCB Case No. 00-05947" and made specific arguments regarding determinations made in the ALJ's recent order in that case.

Claimant's letter was erroneously interpreted as a new request for hearing. The ALJ's dismissal of claimant's hearing request in this case was therefore appropriate.

ORDER

The ALJ's order dated February 6, 2001 is affirmed.

Entered at Salem, Oregon on July 20, 2001