

II. KEY MEASURE ANALYSIS

Agency Mission: To serve and protect Oregon’s consumers and workers while supporting a positive business climate in the state.

KPM #6	UPHELD WORKERS’ COMPENSATION DECISIONS Percent of Workers’ Compensation Board decisions affirmed on appeal to the Judiciary.	Measure since: 2000
Goal	DCBS Goal #3: Be accountable to the public we serve, with excellent service to our customers.	
Oregon Context	Oregon Benchmark #9: Oregon’s national rank in the cost of doing business.	
Data source	Data captured from Court of Appeals slip opinions and entered into an Access database maintained by R&A staff.	
Owner	Abbie Herman, Chair, Workers’ Compensation Board, 503-378-3308	

1. **OUR STRATEGY**

Achieve a high rate of affirmation on appealed decisions by conducting an objective review of the record and the parties’ arguments to consistently apply controlling statutes, administrative rules, and case precedent.

2. **ABOUT THE TARGETS**

WCB has consistently surpassed previously established targets for court affirmation rates. We have continued to raise the target even though a single court reversal can dramatically impact the affirmation rate, if that decision involves a significant issue common to many appealed decisions. We will continue to monitor the measurement, particularly taking into account the potential effects of court decisions concerning significant issues that may impact a number of cases.

3. **HOW WE ARE DOING**

WCB has consistently exceeded its targets, and the affirmation rate in 2007 was at the highest level since the division began collecting data for this measure.

4. **HOW WE COMPARE**

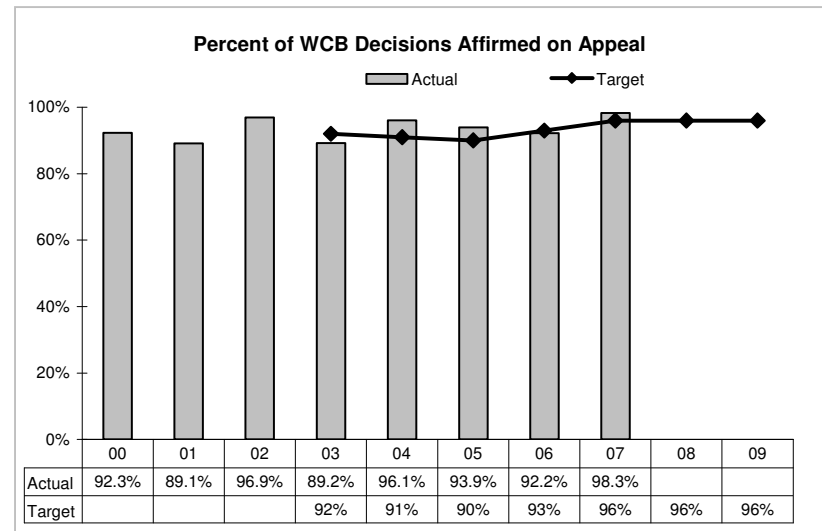
There is limited data available because every jurisdiction has slightly different systems for resolving disputes in its workers’ compensation system.

5. **FACTORS AFFECTING RESULTS**

The court reviews WCB decisions for errors of law and to determine whether substantial evidence and reason supports WCB’s factual findings and conclusions. These factors can affect the court’s affirmation rate. In addition, because the number of cases is limited (64 cases in 2006, 80 cases in 2005), a different decision in a few cases could have a significant effect on the affirmation rate.

6. **WHAT NEEDS TO BE DONE**

WCB and its staff will remain vigilant in adhering to the effective methods that it has developed for performing its appellate review duties and in issuing impartial decisions in an expeditious manner. The staff will continue to provide a complete appellate record to the court in a timely manner and accurately



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compile statistical information regarding court dispositions of appealed WCB decisions.

7. **ABOUT THE DATA**

The reporting cycle is per fiscal year. Data are gathered directly from court decisions and monitored in a monthly report. A link to the court's decisions is available on WCB's external Web site <http://www.cbs.state.or.us/wcb/contents/coa.htm>.