

In the Matter of the Compensation of
MOLLIE S. BASS, Claimant
WCB Case No: C961815
ORDER DENYING RECONSIDERATION OF APPROVED CLAIM DISPOSITION
AGREEMENT

Darrell E Bewley, Claimant Attorneys
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

On June 27, 1996, the Board approved the parties' claim disposition agreement (CDA) in the above captioned matter. Pursuant to that agreement, in consideration of the payment of a stated sum, claimant released rights to future workers' compensation benefits, except medical services, for the compensable injury.

On August 12, 2003, we received a letter from claimant, requesting the Board "review this claim." We treat this letter as a motion for reconsideration.

In order to be considered, a motion for reconsideration of the CDA must be received by the Board within 10 days of the date of mailing of the final order.
OAR 438-009-0035(1),(2).

Here, the CDA was approved and mailed on June 27, 1996. We received claimant's letter on August 12, 2003, approximately 7 years after the CDA was approved. Inasmuch as the motion for reconsideration was untimely, we cannot consider it. OAR 438-009-0035(1),(2); *Edward C. Steele*, 48 Van Natta 2292 (1996); *Paul J. LaFrance*, 48 Van Natta 306 (1996).

Moreover, we approved the CDA in a final order pursuant to ORS 656.236. The approved CDA is final and is not subject to review. ORS 656.236(2). Consequently, we lack either statutory or regulatory authority to alter the previously approved CDA.¹

IT IS SO ORDERED.

Entered at Salem, Oregon on August 20, 2003

¹ Although it is unclear whether claimant is currently unrepresented, if so, she may wish to consult the Workers' Compensation Ombudsman, whose job it is to assist injured workers in such matters. She may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to: