
In the Matter of the Compensation of
NORMAN SELTHON, Claimant
Own Motion No. 04-0038M
OWN MOTION ORDER OF DISMISSAL
Charles Robinowitz, Claimant Attorneys
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Langer and Biehl.

The insurer has submitted claimant's request for claim reopening, recommending against the reopening of claimant's 1995 injury claim for a "worsening" of his previously accepted cervical condition. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired.

On January 28, 2004, the insurer issued a denial regarding claimant's current cervical condition. Claimant appealed that denial. (WCB Case No. 04-01250). On April 16, 2004, the Board consolidated claimant's Own Motion request with the pending litigation before the Hearings Division.

Thereafter, claimant withdrew his pending request for hearing. Claimant requested that an Order of Dismissal without prejudice be issued. The insurer did not oppose claimant's request. On July 8, 2004, Administrative Law Judge (ALJ) Crummé issued an Order of Dismissal, dismissing claimant's pending hearing request without prejudice. (WCB Case No. 04-01250). That order has not been appealed.

ALJ Crummé also issued an Own Motion Recommendation, recommending that we issue an Order of Dismissal without prejudice regarding claimant's Own Motion matter. Neither party has objected to the ALJ's recommendation.

In light of such circumstances, we conclude that claimant has withdrawn his request for Own Motion relief. Accordingly, this Own Motion matter is dismissed without prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 24, 2004