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In the Matter of the Compensation of  
**VERNON E. MARSHALL, Claimant**  
Own Motion No. 04-0128M  
OWN MOTION ORDER OF DISMISSAL  
Larry K Bruun, Welch et al, Claimant Attorneys  
Larry D Schucht, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

The SAIF Corporation submitted a “Carrier’s Own Motion Recommendation,” recommending against the reopening of claimant’s 1984 injury claim for a worsening of his previously accepted conditions and for a “post-aggravation rights” new or omitted medical condition (“left knee requiring full knee replacement”). *See* ORS 656.278(1)(a), (b) (2001). Claimant’s aggravation rights on that claim have expired.

On May 12, 2004, we referred the matter to the Hearings Division for a consolidated hearing with the pending litigation regarding SAIF’s denial. (WCB Case No. 04-02582). On June 25, 2004, claimant withdrew his request for hearing. In doing so, claimant also referred to WCB Case No. 04-0128M.

On July 6, 2004, Administrative Law Judge (ALJ) Riechers issued an Order of Dismissal (dismissing claimant’s hearing request), as well as an Own Motion Recommendation. Based on claimant’s withdrawal of his hearing request, the ALJ recommended dismissal of this Own Motion matter. The ALJ’s dismissal order has not been appealed and has become final by operation of law.

In light of such circumstances, we adopt the ALJ’s Own Motion Recommendation and interpret claimant’s withdrawal as also pertaining to this pending Own Motion matter. Accordingly, this Own Motion matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 13, 2004