
In the Matter of the Compensation of
MIKE MENDENHALL, Claimant
Own Motion No. 04-0296M
OWN MOTION ORDER
Claimant Unrepresented
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Kasubhai and Langer.

The insurer has submitted claimant's request for reopening of his Own Motion claim for a worsened condition. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired. The insurer recommends reopening of claimant's 1976 claim.

Based on the record, we are persuaded that claimant meets the criteria necessary for his claim to be reopened for a "worsening" of his accepted conditions ("L3-4 herniated nucleus pulposus and L4-5 herniated disc"). ORS 656.278(1)(a) (2001); *James J. Kemp*, 54 Van Natta 491 (2002). Accordingly, we authorize the reopening of the claim for the insurer to process the claim in accordance with law. When claimant is medically stationary, the insurer shall close the claim pursuant to OAR 438-012-0055.¹

IT IS SO ORDERED.

Entered at Salem, Oregon on August 2, 2004

¹ Finally, inasmuch as claimant is unrepresented, he may wish to consult the Workers' Compensation Ombudsman, whose job it is to assist injured workers in such matters. He may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS' COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
PO BOX 14480
SALEM, OR 97309-0405