
In the Matter of the Compensation of
RODNEY R. MARTINEZ, Claimant
Own Motion No. 04-0394M
OWN MOTION ORDER
Unrepresented Claimant
Pinnacle Risk Mgmt Svcs, Insurance Carrier

Reviewing Panel: Members Biehl and Lowell.

The self-insured employer has submitted a “Carrier’s Own Motion Recommendation” form, indicating that claimant requests that it reopen his 1999 injury claim for a “worsening” of his previously accepted condition. *See* ORS 656.278(1)(a) (2001). The employer recommends against reopening the claim.

Claimant sustained a compensable injury on March 3, 1999. Claimant’s aggravation rights have expired. The employer issued a denial on October 14, 2004. No hearing has been requested regarding that denial. Thus, the denial is final by operation of law. ORS 656.319(1). Consequently, claimant’s medical services claim for his accepted condition remains in denied status.¹

Under such circumstances, we are unable to authorize the reopening of the claim for a worsening of his previously accepted condition under ORS 656.278(1)(a) (2001). *Stephen P. Angermayer, 56 Van Natta 3796 (2004)*. Accordingly, the request for claim reopening is denied.²

IT IS SO ORDERED.

Entered at Salem, Oregon on December 30, 2004

¹ Additionally, the employer contended that claimant’s compensable condition has not worsened requiring the requisite medical treatment. ORS 656.278(1)(a) (2001). In this particular case, this matter need not be addressed because even if the “medical treatment” issue was found in claimant’s favor, the claim would still not qualify for reopening under ORS 656.278(1)(a) (2001) for the reasons expressed above.

² 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