

---

In the Matter of the Compensation of  
**RONALD K. HERMAN, Claimant**  
Own Motion No. 03-0256M  
OWN MOTION ORDER  
Thomas J Dzieman, Claimant Attorneys  
Gilroy Law Firm, Defense Attorneys

Reviewing Panel: Members Langer and Kasubhai.

The self-insured employer has submitted a “Carrier’s Own Motion Recommendation” form, indicating that claimant requests that it reopen his 1981 injury claim for a “worsening” of his previously accepted conditions (“low back strain, mid-back strain”). See ORS 656.278(1)(a) (2001). The employer recommends against reopening the claim.

Claimant sustained a compensable mid and low back injuries on August 1981. Claimant’s aggravation rights have expired. The employer issued a denial on November 21, 2003, contending that claimant’s current need for treatment was not related to his compensable injury and it was not responsible for his current condition. No hearing has been requested regarding that denial.

Under such circumstances, claimant’s medical services claim for his accepted conditions remains in denied status. Consequently, we are not authorized to reopen the claim for a worsening of his previously accepted conditions under ORS 656.278(1)(a) (2001). *James J. Kemp*, 54 Van Natta 491 (2002). Accordingly, the request for claim reopening is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 12, 2004