

In the Matter of the Compensation of
KIPPER COURTRIGHT, Claimant
Own Motion No. 03-0188M, 03-0100M
OWN MOTION ORDER OF DISMISSAL
Juli Upton, Claimant Attorneys
Dennis Ulsted, SAIF Legal, Defense Attorneys
John M Pitcher, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

Weyerhaeuser Company submitted a “Carrier’s Own Motion Recommendation” form, recommending against the reopening of claimant’s 1982 left knee injury claim for a “post-aggravation rights” new or omitted medical condition (“left knee medial compartment arthritis”). *See* ORS 656.278(1)(b) (2001). (WCB Case No. 03-0100M). Claimant’s aggravation rights on that claim have expired.

On April 24, 2003, we referred this matter to the Hearings Division for a consolidated hearing with pending litigation. (WCB Case Nos. 03-02231; 03-0100M).

The SAIF Corporation submitted a “Carrier’s Own Motion Recommendation” form, recommending against the reopening of claimant’s 1981 left knee injury claim for a “post-aggravation rights” new or omitted medical condition (“left knee post traumatic arthritis, medial compartment”). *See* ORS 656.278(1)(b) (2001). (WCB Case No. 03-0188M). Claimant’s aggravation rights on that claim have expired.

On June 13, 2003, we referred this matter to the Hearings Division for a fact finding hearing. Claimant had requested a hearing regarding his 1981 claim with SAIF and these matters were consolidated. (WCB Case Nos. 03-05343; 03-0188M).

On November 26, 2003, Administrative Law Judge (ALJ) Spangler dismissed the pending hearing requests regarding claimant’s 1981 SAIF claim and his 1982 Weyerhaeuser claim. Those orders have not been appealed. In addition, ALJ Spangler issued an Opinion and Order which found that the responsibility for claimant’s current left knee condition rests with Liberty Northwest under a 2001 injury claim.

ALJ Spangler also issued two Own Motion Recommendations regarding the referenced Own Motion claims. ALJ Spangler recommended against reopening either claim because responsibility for claimant's claimed condition rests with Liberty Northwest.

In light of these conclusions, SAIF recommends that claimant's request for Own Motion relief be denied. Claimant agrees with SAIF's position, noting that "Liberty Northwest has accepted [claimant's] current knee claim condition. I therefore agree that Own Motion would not be necessary or in order regarding [claimant's] claim."

In light of such circumstances, we conclude that claimant has withdrawn his requests for Own Motion relief regarding his Weyerhaeuser and SAIF claims. Accordingly, these Own Motion matters are dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 1, 2004