In the Matter of the Compensation of
LYNN LESH, Claimant
Own Motion No. 03-0287M
OWN MOTION ORDER DENYING RECONSIDERATION
Ernest M Jenks, Claimant Attorneys
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Kasubhai and Lowell.

Claimant, *pro se*,[1] requests reconsideration of our February 2, 2004 Own Motion Order, as reconsidered on March 5, 2004.[2] Our prior orders denied claimant's request for reopening because claimant had not met his burden of proving that there was an "inability to work" due to a worsening of his compensable condition. We explained that, although claimant contended that he was unable to work and that he has not been released to work, the question of whether there was an "inability to work" is a *medical* question, which must be answered by persuasive *medical* evidence. Finally, we explained that the *medical* evidence contained in the current record did not establish that claimant's compensable left knee condition worsened resulting in an inability to work. ORS 656.278(1)(a) (2001).

In his request for reconsideration, claimant repeats his contention that he was unable to work and had not returned to work because the compensable condition worsened requiring surgery. However, he submits no *medical* evidence to support this contention.

We find that claimant's arguments were adequately addressed in our prior orders. Consequently, we have nothing further to add to our February 2, 2004 and March 5, 2004 orders.

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[1] 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

[2] Because it is not clear whether claimant sent a copy of his request for reconsideration to the insurer, we are enclosing a copy of that request with insurer's copy of this order.

Accordingly, claimant's request for reconsideration is denied. The issuance of this order neither "stays" our prior orders nor extends the time for seeking review. *International Paper Company v. Wright*, 80 Or App 444 (1986); *Fisher v. SAIF*, 76 Or App 656 (1985); *Bonnie Price*, 53 Van Natta 597 (2001). The parties' 30-day statutory rights of appeal continue to run from the date of our March 5, 2004 order.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 23, 2004