
In the Matter of the Compensation of
LISA M. STANKAVICH, Claimant
Own Motion No. 03-0458M
OWN MOTION ORDER OF DISMISSAL
Malagon Moore et al, Claimant Attorneys
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Lowell and Kasubhai.

The insurer submitted a “Carrier’s Own Motion Recommendation,” indicating that claimant sought reopening of her 1997 cervical injury claim for a worsening of her compensable injury and a “post-aggravation rights” new medical conditions (“fibromyalgia”). ORS 656.278(1)(a), (b) (2001). The insurer recommended against reopening the claim.

On December 5, 2003, we referred claimant’s “pre-September 1, 2003” “post-aggravation rights” new or omitted medical condition claim to the Hearings Division for a fact finding hearing.

On March 16, 2004, Administrative Law Judge (ALJ) McWilliams approved a “Disputed Claim Settlement,” which resolved the parties’ dispute pending before the Hearings Division regarding the compensability of claimant’s current condition and dismissed with prejudice claimant’s hearing request. In addition, the parties stipulated that the settlement resolved “issues raised or which could have been raised” including “any and all claims for new medical conditions identified or diagnosed in the medical record to date.” The settlement contained WCB case numbers for both the pending hearing request and the Own Motion Recommendation.

Based on the representations contained in the approved settlement, we conclude that claimant has withdrawn her Own Motion claims for both a worsened accepted condition and the “post-aggravation rights” new medical condition (“fibromyalgia”). Accordingly, these Own Motion matters are dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 23, 2004