
In the Matter of the Compensation of
DANIEL G. KOCK, Claimant
Own Motion No. 03-0469M
OWN MOTION ORDER ON RECONSIDERATION
Thomas J Dzieman, Claimant Attorneys
Gilroy Law Firm, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

Claimant requests reconsideration of our January 15, 2004 Own Motion Order that: (1) denied claimant's request for the appointment of a medical arbiter; and (2) affirmed the insurer's October 22, 2003 Notice of Closure. Relying on *Jimmy O. Dougan*, 54 Van Natta 1213, *on recon* 54 Van Natta 1552 (2002), we held that claimant was not entitled to permanent disability benefits based on the closure of his "worsened condition" claim under ORS 656.278(1)(a) (2001). Furthermore, in light of the *Dougan* rationale, we denied claimant's request for the appointment of a medical arbiter. See *Ronald J. Reynolds*, 55 Van Natta 3597, 3602 (2003); *Alvin D. Lal*, 55 Van Natta 815, 824 (2003).¹

Specifically, claimant seeks reconsideration of the *Dougan* holding. After further considering this matter, we adhere to the interpretation of ORS 656.278(1)(a) and (b) (2001) and as expressed in *Dougan* and its progeny.

Accordingly, we withdraw our prior order. On reconsideration, as supplemented herein, we adhere to and republish the January 15, 2004 order in its entirety. The parties' rights of appeal and reconsideration shall run from the date of this order.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 3, 2004

¹ Claimant submitted his request for reconsideration of our January 15, 2004 order on February 12, 2004. Because claimant's request was filed within 30 days of our January 15, 2004 Own Motion Order, it is timely filed and we are authorized to proceed with our reconsideration. OAR 438-012-0065(2); *Gladys Biggs*, 55 Van Natta 1094, 1098 (2003).