
In the Matter of the Compensation of
SHARON L. HUGENBERGER, Claimant
Own Motion No. 04-0077M
OWN MOTION ORDER REFERRING FOR A CONSOLIDATED HEARING
Ransom Gilbertson Martin et al, Claimant Attorneys
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Langer and Kasubhai.

On July 14, 2003, the SAIF Corporation voluntarily reopened claimant's 1984 low back claim for "post-aggravation rights" new medical conditions ("L4-5 disc protrusion, L5-S1 disc degeneration, lumbar stenosis at L3-4"). *See* ORS 656.278(5) (2001); ORS 656.278(1)(a), (b) (2001). Following the reopening of claimant's claim, he requested a hearing with the Hearings Division raising, among other issues, his entitlement to temporary disability benefits. (WCB Case No. 04-00377). In addition, in response to a Board's staff's inquiry, claimant requested that we "order" the payment of temporary disability benefits resulting from SAIF's voluntary reopening.

A hearing on claimant's hearing request is set before an Administrative Law Judge on April 14, 2004. Claimant seeks referral of this Own Motion matter to the Hearings Division for a fact-finding hearing. SAIF does not oppose claimant's request.

Under these circumstances, we conclude that it would be appropriate to consolidate the Own Motion matters with the pending litigation. *See* OAR 438-012-0040(3). In that way, in addition to an order addressing issues arising from claimant's hearing request, the ALJ can issue an Own Motion recommendation based on the record developed at the hearing, including the parties' respective arguments. Such a procedure would best serve both the interests of the parties and administrative economy. *David J. Albano*, 55 Van Natter 1361 (2003).

Accordingly, in addition to an order in WCB Case No. 04-00377, the ALJ is directed to forward to the Board a separate, unappealable recommendation with respect to any Own Motion matters and a copy of the appealable order issued in WCB Case No. 04-00377. That recommendation shall include findings of fact and conclusions of law regarding the issues raised in claimant's request for Own Motion relief. If this matter is resolved by stipulation or Disputed Claim Settlement, the ALJ is directed to submit a copy of the settlement document to the Board. After issuance of the recommendation and order (or settlement document),

the parties should advise the Board of their respective positions regarding the Own Motion matters. Thereafter, the Board will proceed with its review of the ALJ's recommendation.

IT IS SO ORDERED.

Entered at Salem, Oregon on March 17, 2004