
In the Matter of the Compensation of
DAWNETTE J. RUSE, Claimant
Own Motion No. 01-0290M
OWN MOTION ORDER
Martin L Alvey, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Langer and Kasubhai.

On November 21, 2001, we deferred action on claimant's request for reopening of her 1995 claim for a "worsening" of her previously accepted right elbow condition. We took this action because litigation concerning the responsibility for her current condition was pending before the Hearings Division. (WCB Case No. 01-02188).

On April 19, 2004, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released all rights to "non-medical service" benefits (including Own Motion benefits under ORS 656.278) under this 1995 claim. Based on the approved CDA, claimant is not entitled to Own Motion benefits.

Under such circumstances, we are not authorized to reopen claimant's 1995 injury claim. ORS 656.278(1)(a) (2001). Consequently, the request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on May 3, 2004