
In the Matter of the Compensation of
ALAN B. MATHEWS, Claimant
Own Motion No. 03-0103M
OWN MOTION ORDER
Cram Harder Wells & Baron, Claimant Attorneys
Johnson Nyburg & Andersen, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

On April 3, 2003, we consented to the designation of a paying agent pursuant to ORS 656.307 and deferred the Own Motion matter because litigation was pending before the Hearings Division. (WCB Case No. 03-02645).

On April 13, 2004, Administrative Law Judge (ALJ) Howell approved a "Disputed Claim Settlement Agreement," which resolved the parties' dispute pending before the Hearings Division and dismissed claimant's hearing request. Pursuant to that settlement, claimant agreed that the insurer's denial, as supplemented in the agreement, would remain in full force and effect.

In light of such circumstances, we conclude that the medical services claim for claimant's current condition (which formed the basis for the request for reopening of claimant's Own Motion claim for a worsened condition under ORS 656.278(1)(a) (2001)) is unrelated to his December 1994 injury claim. Thus, we are unable to grant claimant's request for Own Motion relief. *See* ORS 656.278(1)(a) (2001).

Accordingly, the Own Motion request is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on May 3, 2004