
In the Matter of the Compensation of
THOMAS R. BRAWAND, Claimant
Own Motion No. 04-0322M
OWN MOTION ORDER
Claimant Unrepresented
SAIF Corporation, Insurance Carrier

Reviewing Panel: Members Langer and Biehl.

The SAIF Corporation has submitted a “Carrier’s Own Motion Recommendation” form, indicating that claimant requests that it reopen his 1985 injury claim for a “worsening” of his previously accepted condition (“bilateral carpal tunnel syndrome”). See ORS 656.278(1)(a) (2001). SAIF recommends against reopening the claim.

Claimant sustained a compensable injury on November 19, 1985. Claimant’s aggravation rights have expired. SAIF issued a denial on August 20, 2004. No hearing has been requested regarding that denial. Thus, the denial is final by operation of law. ORS 656.319(1). Consequently, claimant’s medical services claim for his accepted condition remains in denied status.¹

Under such circumstances, we are unable to authorize the reopening of the claim for a worsening of his previously accepted condition under ORS 656.278(1)(a) (2001). *Mary J. Chappell*, 56 Van Natta 3160 (2004); *James J. Kemp*, 54 Van Natta 491 (2002). Accordingly, the request for claim reopening is denied.²

IT IS SO ORDERED.

Entered at Salem, Oregon on November 3, 2004

¹ Additionally, SAIF also contended that claimant was not in the workforce at the time of the current disability. ORS 656.278(1)(a) (2001). In this particular case, this matter need not be addressed because even if the “workforce” issue was found in claimant’s favor, the claim would still not qualify for reopening under ORS 656.278(1)(a) (2001) for the reasons expressed above.

² Inasmuch as claimant is presently unrepresented, he may wish to consult the Workers’ Compensation Ombudsman, whose job it is to assist injured workers in such matters. He may contact the Workers’ Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS’ COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
PO BOX 14480
SALEM, OR 97309-0405