
In the Matter of the Compensation of
JEFFREY C. DAVIS, Claimant
Own Motion No. 04-0378M
OWN MOTION ORDER
Claimant Unrepresented
RLC Industries Co, Insurance Carrier

Reviewing Panel: Members Lowell and Kasubhai.

The self-insured employer has submitted claimant's request for reopening of his Own Motion claim for a worsening of his previously accepted lumbar conditions. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired. The employer recommends reopening of claimant's 1997 claim.

Based on the record, we are persuaded that claimant meets the criteria necessary for his claim to be reopened for a "worsening" of his accepted conditions ("lumbar strain; L5-S1 disc herniation").¹ ORS 656.278(1)(a) (2001); *James J. Kemp*, 54 Van Natta 491 (2002). Accordingly, we authorize the reopening of the claim for the employer to process in accordance with law. When claimant's conditions are medically stationary, the employer shall close the claim pursuant to OAR 438-012-0055.²

IT IS SO ORDERED.

Entered at Salem, Oregon on October 15, 2004

¹ On October 12, 2004, the Board received a facsimile copy of claimant's "off work" release from Dr. Malos' office. As it is unclear whether the employer was also sent a copy of the October 12, 2004 submission, a copy has been included with the employer's copy of this order.

² Finally, inasmuch as claimant is 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