
In the Matter of the Compensation of
RICHARD D. VANDAMME, Claimant
Own Motion No. 04-0451M
OWN MOTION ORDER
Malagon Moore et al, Claimant Attorneys
SAIF Corporation, Insurance Carrier

Reviewing Panel: Members Biehl and Lowell.

The SAIF Corporation has submitted a “Carrier’s Own Motion Recommendation” form, indicating that claimant requests that it reopen his 1979 injury claim for a “worsening” of his previously accepted left knee conditions. *See* ORS 656.278(1)(a) (2001). SAIF recommends against reopening the claim.

Claimant sustained compensable left knee injuries on May 10, 1979. Claimant’s aggravation rights have expired. SAIF issued a denial of claimant’s current condition on November 30, 2004, from which claimant requested a hearing with the Hearings Division. (WCB Case No. 04-08595). We deferred action on the Own Motion “claim reopening” matter to await the resolution of the issues pending before the Hearings Division.

Thereafter, claimant withdrew his pending request for hearing. On January 13, 2005, an Administrative Law Judge (ALJ) dismissed claimant’s hearing request. (WCB Case No. 04-08595). That order has not been appealed.

Based on the unappealed ALJ’s dismissal order, claimant’s current condition (on which his request for claim reopening under ORS 656.278(1)(a) (2001) rests) remains in denied status. As a result, we are not authorized to grant claimant’s current request for Own Motion relief. *See Bruce B. Lovejoy*, 56 Van Natta 3039 (2004).

Accordingly, claimant’s current request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on April 6, 2005