

In the Matter of the Compensation of
FRED PEARSON, Claimant
Own Motion No. 04-0445M
OWN MOTION ORDER
Unrepresented Claimant
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

The SAIF Corporation has submitted a “Carrier’s Own Motion Recommendation,” indicating that claimant requests that it reopen his 1980 injury claim for a “worsening” of his previously accepted right knee, right foot, and right shoulder conditions. *See* ORS 656.278(1)(a) (2001). SAIF recommends against reopening the claim.

Claimant sustained compensable injuries on August 18, 1980. Claimant’s aggravation rights have expired. SAIF issued an amended denial on November 22, 2004, from which claimant requested a hearing with the Hearings Division. (WCB Case No. 04-07744). On December 2, 2004, we deferred action on the Own Motion claim reopening matter to await resolution of issues pending before the Hearings Division.

Thereafter, claimant withdrew his pending request for hearing. On June 6, 2005, an Administrative Law Judge (ALJ) dismissed claimant’s hearing request. (WCB Case No. 04-07744). 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* ORS 656.278(1)(a) (2001); *Cindy L. Gentzler, 57 Van Natta 2139 (2005)*.

Accordingly, claimant’s current request for claim reopening is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 31, 2005