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In the Matter of the Compensation of  
**REBECCA E. COLLINS-TUFTS, Claimant**  
Own Motion No. 05-0017M  
OWN MOTION ORDER  
Westmoreland & Mundorff, Claimant Attorneys  
VavRosky MacColl Olson et al, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

The self-insured employer submitted claimant's request to reopen her 1997 claim for a worsened condition. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired. The employer opposed the reopening of claimant's 1997 claim. In addition, the employer issued denials on which claimant requested a hearing. (WCB Case No. 04-06203). On January 21, 2005, we deferred Own Motion claim reopening action to await resolution of issues pending at the Hearings Division.

On August 5, 2005, Administrative Law Judge (ALJ) Bethlahmy approved a "Stipulations and Disputed Claim Settlement" (DCS) that resolved the parties' disputes pending before the Hearings Division and dismissed claimant's hearing request. Pursuant to that settlement, claimant agreed that the employer's denials, as supplemented in the agreement, would be upheld and all issues raised or raisable were resolved.

On August 17, 2005, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released all rights to "non-medical service" benefits under this 1997 claim.

Pursuant to the DCS, claimant's current condition (which is the basis for her "worsening" claim) is unrelated to her September 1997 compensable injury. Moreover, her Own Motion benefits under this claim for her previously accepted conditions have been released pursuant to the approved CDA. Under these circumstances, we are without authority to reopen claimant's 1997 claim for a worsening of her previously accepted right arm conditions under ORS 656.278(1)(a) (2001). *See Robert McCoy, 57 Van Natta 1427 (2004).*

Accordingly, the request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 23, 2005