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In the Matter of the Compensation of  
**BILL H. BRANDT, Claimant**  
Own Motion No. 05-0220M  
OWN MOTION ORDER  
Unrepresented Claimant  
Safeco Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Kasubhai.

The insurer submitted a “Carrier’s Own Motion Recommendation,” indicating that claimant sought reopening of his 1985 injury claim for a “worsening” of his previously accepted condition and a “post-aggravation rights” new or omitted medical condition (“right ankle arthritis”). ORS 656.278(1)(a), (b) (2001). The insurer recommended against reopening the claim. In addition, the insurer issued a denial regarding the aforementioned “post-aggravation rights” new or omitted medical condition. Based on the following reasoning, we deny claim reopening.

“Worsened” Condition Claim

On August 8, 2005, we approved the parties’ Claim Disposition Agreement (CDA), in which claimant fully released all rights to “non-medical service” benefits (including “Own Motion reopening”) under this 1985 claim. Based on our approval of the CDA, this request for Own Motion claim reopening under ORS 656.278(1)(a) (2001) is denied. *See Richard Tattoo*, 56 Van Natta 3965 (2004) (reopening of “worsening” claim under ORS 656.278(1)(a) (2001) denied because prior CDA released all rights to “non-medical service” benefits).

“Post-Aggravation Rights” New Medical Condition Claim

On June 14, 2005, the insurer issued a denial regarding claimant’s “post-aggravation rights” new medical condition “right ankle arthritis.” *See OAR 438-012-0070*. Thereafter, the parties submitted a “Disputed Claim Settlement Stipulation and Order” to the Hearings Division. (WCB Case No. 05-00380S).

Administrative Law Judge (ALJ) Marshall has since approved the “Disputed Claim Settlement Stipulation and Order” that resolved the parties’ dispute pending

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before the Hearings Division and dismissed claimant's hearing request.<sup>1</sup> Pursuant to that settlement, claimant agreed that the insurer's denial, as supplemented within the agreement, would remain in full force and effect. The settlement further provided that all issues raised or raisable between the parties were resolved.

Under such circumstances, claimant's aforementioned "post-aggravation rights" new medical condition is not compensably related to his February 1985 injury claim. Thus, we are without authority to reopen the claim under ORS 656.278(1)(b) (2001). *Johnnie Inmon*, 56 Van Natta 1498 (2004).

Accordingly, the request for claim reopening under ORS 656.278(1)(b) (2001) is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 19, 2005

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<sup>1</sup> Under OAR 438-012-0001(4)(a) (2004), the ALJ's dismissal order also constitutes a "Proposed and Final Own Motion Order." See *June J. Holmes*, 57 Van Natta 136 (2005).