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In the Matter of the Compensation of  
**PAULA L. WEBB, Claimant**  
Own Motion No. 04-0361M  
OWN MOTION ORDER  
Black Chapman et al, Claimant Attorneys  
Mary Goebel Adams, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

The SAIF Corporation submitted claimant's request to reopen her 1976 injury claim for a worsened condition. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired. SAIF opposed the reopening of claimant's 1976 claim. In addition, SAIF issued a denial on which claimant requested a hearing. (WCB Case No. 04-08363). On December 23, 2004, we deferred action on the Own Motion claim reopening issue to await resolution of matters pending before the Hearings Division.

On November 23, 2005, Administrative Law Judge (ALJ) Kekauoha approved a "Disputed Claim Settlement Agreement" (DCS) that resolved the parties' disputes pending before the Hearings Division and dismissed claimant's hearing request. Pursuant to that settlement, claimant agreed that SAIF's denial, as supplemented in the agreement, would be upheld and all issues raised or raisable were resolved.

On December 14, 2005, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released all past, present, and future rights to "non-medical service" benefits (including Own Motion) under this 1976 claim.

Pursuant to the DCS, claimant's current condition (which is the basis for her "worsening" claim) is unrelated to her November 1976 compensable injuries. 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 1976 claim for a worsening of her previously accepted 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 December 28, 2005