

In the Matter of the Compensation of
PADDY W. WISE, Claimant
Own Motion No. 05-0041M
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 1987 injury claim for a “worsening” of his previously accepted low back conditions. *See* ORS 656.278(1)(a) (2001). SAIF recommends against reopening the claim.

Claimant sustained a compensable low back injury on November 24, 1987. Claimant’s aggravation rights have expired. SAIF issued a denial on February 3, 2005, from which claimant requested a hearing with the Hearings Division. (WCB Case No. 05-01024). On March 10, 2005, we deferred action on the Own Motion claim reopening matter to await resolution of issues pending before the Hearings Division.

On October 21, 2005, Administrative Law Judge (ALJ) Brazeau issued an Order of Dismissal, dismissing claimant’s pending hearing request. (WCB Case No. 05-01024). 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.¹

IT IS SO ORDERED.

Entered at Salem, Oregon on December 13, 2005

¹ Finally, inasmuch as claimant is unrepresented, he may wish to consult the Workers’ Compensation Ombudsman, whose job it is to assist injured workers in such matters. He may contact the Workers’ Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS’ COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
PO BOX 14480
SALEM, OR 97309-0405