
In the Matter of the Compensation of
TERRY L. AMBROSE, Claimant
Own Motion No. 05-0188M
OWN MOTION ORDER
Welch Bruun & Green, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

The self-insured employer submitted claimant's request to reopen his 1989 injury 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 1989 claim. In addition, the employer issued a denial on which claimant requested a hearing. (WCB Case No. 05-03170).

On November 30, 2005, Administrative Law Judge (ALJ) Marshall approved a "Disputed Claim Settlement and Order" (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 denial, as supplemented in the agreement, would be upheld and all issues raised or raisable were resolved.

Also on November 30, 2005, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released all rights to "non-medical service" benefits under this 1989 claim.

Pursuant to the DCS, claimant's current condition (which is the basis for his "worsening" claim) is unrelated to his May 1989 compensable injuries. Moreover, his Own Motion benefits under this claim for his previously accepted conditions have been released pursuant to the approved CDA. Under these circumstances, we are without authority to reopen claimant's 1989 claim for a worsening of his 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 22, 2005