
In the Matter of the Compensation of
TODD R. GREER, Claimant
Own Motion No. 05-0239M
OWN MOTION ORDER OF ABATEMENT
Strooband & Ousey PC, Claimant Attorneys
Michael G Fetrow, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Kasubhai.

On December 1, 2005, we declined to reopen claimant's 1995 low back claim under ORS 656.278(1)(a) (2001). In reaching our conclusion, we found that, based on an Administrative Law Judge's (ALJ's) order dismissing claimant's hearing request from the SAIF Corporation's denial, claimant current low back condition remained in denied status. Consequently, we held that we were not authorized to grant claimant's current request for Own Motion relief. Asserting that his request for Own Motion relief also included a worsening of his previously accepted L3-4 disc herniation condition (which he represents was the basis for his need for surgery and was not addressed in SAIF's denial of treatment for a L4-5 disc condition), claimant seeks reconsideration.

In order to further consider this matter, we withdraw our order and implement the following briefing schedule.¹ SAIF's response must be filed within 14 days from the date of mailing of this order. Claimant's reply must be filed within 14 days from the date of mailing of SAIF's response. Thereafter, we will proceed with our reconsideration.

IT IS SO ORDERED.

Entered at Salem, Oregon on December 14, 2005

¹ SAIF had previously recommended against claim reopening, contending that: (1) the compensable L3-4 condition had not worsened requiring the requisite medical treatment and resulting in an inability to work; (2) claimant was not in the work force at the time of the current disability; and (3) the proposed medical treatment was inappropriate for the compensable condition because it was not reviewed nor approved by a managed care organization (MCO). In submitting their respective positions, the parties are also requested to address these issues.