

In the Matter of the Compensation of  
**MADGLYN YOCK, Claimant**

Own Motion No. 04-0267M

**OWN MOTION ORDER**

Bennett Hartman Morris & Kaplan, Claimant Attorneys  
Radler Bohy et al, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

The self-insured employer submitted claimant's request to reopen her 1991 claim for a worsening of her previously accepted conditions. ORS 656.278(1)(a) (2001). Claimant's aggravation rights have expired. The employer opposed the reopening of claimant's 1991 claim. In addition, the employer issued a denial on which claimant requested a hearing. (WCB Case No. 04-04599). On August 3, 2004, we deferred Own Motion "claim reopening" action to await resolution of issues pending at the Hearings Division.

On December 27, 2004, Administrative Law Judge (ALJ) Brazeau approved a "Disputed Claim Settlement" that resolved the parties' disputes pending before the Hearings Division and dismissed claimant's hearing request. Pursuant to that settlement, claimant agreed that the insurer's denial, as supplemented within the agreement, would remain in full force and effect.

On January 5, 2005, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released her right to Own Motion benefits under ORS 656.278, under this 1991 claim. Based on the approved CDA, claimant is not entitled to Own Motion benefits under her 1991 claim. *See Barbara Bolster*, 55 Van Natta 2466 (2003).

Furthermore, in light of the ALJ's approval of the parties' settlement, the current medical services claim for claimant's previously accepted conditions remains in denied status. Thus, we are without authority to reopen claimant's 1991 claim for a worsening of her previously accepted conditions ("overuse syndrome, right upper extremity with chronic flexor tendinitis with carpal tunnel syndrome"). ORS 656.278(1)(a) (2001). *Richard Tattoo*, 56 Van Natta 3965 (2004); *David L. Dwyer*, 54 Van Natta 2492 (2002).

Accordingly, this request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 19, 2005