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In the Matter of the Compensation of  
**RICHARD J. LOGUE, Claimant**  
Own Motion No. 05-0226M  
OWN MOTION ORDER REFERRING FOR A FACT FINDING HEARING  
Swanson Thomas & Coon, Claimant Attorneys  
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Biehl and Langer.

The insurer has submitted “Carrier’s Own Motion Recommendation,” indicating that claimant seeks reopening of his 1989 injury claim for a worsening of his compensable bilateral wrist injury. *See* ORS 656.278(1)(a) (2001). The insurer recommends against reopening for a worsening of claimant’s compensable condition, contending that claimant was not in the work force at the time of the disability.

Claimant sustained a compensable bilateral wrist injury on December 1, 1989. His aggravation rights have expired.

In addition, the insurer issued a denial for a claim with a 2004 injury date. Claimant requested a hearing, which is set before an Administrative Law Judge (ALJ) on July 7, 2005. (WCB Case No. 04-07944).

Considering the complexity of the medical, factual, and legal issues arising from this claim (and its interrelationship with those currently pending before the Hearings Division), we consider it appropriate to refer this Own Motion matter to the Hearings Division for an evidentiary hearing to be held in tandem with the pending litigation. OAR 438-012-0040(3); *Dennis C. Gross*, 56 Van Natta 133 (2004); *Becky R. Chase*, 55 Van Natta 3581 (2003). That hearing may be conducted in any matter that the ALJ deems achieves substantial justice.

Along with an order in WCB No. 04-07944, the ALJ is directed to forward to the Board a separate, unappealable recommendation with respect to any Own Motion matters.<sup>1</sup> In that recommendation, the ALJ shall make findings of fact and conclusions of law regarding the issues arising from claimant’s request for Own

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<sup>1</sup> If the insurer subsequently issues a Form 3501, announcing that it is voluntarily reopening this currently disputed claim, the parties should notify the Board. In the event that the issuance of the voluntary claim reopening form comes to our attention, we will consider dismissal of this Own Motion matter. *See Jesse C. Day*, 55 Van Natta 2366, 2369-70 (2003).

Motion relief. In addition, if the matter is resolved by stipulation or Disputed Claim Settlement, the ALJ is directed to submit a copy of the settlement document to the Board. After issuance of the recommendation and order (or settlement document), the parties should advise the Board of their respective positions regarding the Own Motion matters. Thereafter, the Board will proceed with its review.

IT IS SO ORDERED.

Entered at Salem, Oregon on June 27, 2005