
In the Matter of the Compensation of
JUANITA R. SPIRES, Claimant
Own Motion No. 04-0453M
OWN MOTION ORDER
Kryger et al, Claimant Attorneys
Thomas Sieg, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

The SAIF Corporation submitted a “Carrier’s Own Motion Recommendation” indicating that claimant sought reopening of her 1998 claim for a worsening of her previously accepted cervical and bilateral shoulder conditions. ORS 656.278(1)(a) (2001). SAIF recommended against reopening the claim, contending, among other issues, that the current condition was not causally related to the compensable condition. In addition, SAIF denied claimant’s medical services claim for her current condition on which she filed a request for hearing. (WCB Case No. 04-0552). On January 5, 2005, we deferred action on the Own Motion “claim reopening” matter pending resolution of that litigation.

On March 16, 2005, Administrative Law Judge (ALJ) Fulsher upheld SAIF’s denial. That order was not appealed, and has become final by operation of law.¹

Under such circumstances, we are unable to authorize the reopening of the claim for a worsening of claimant’s previously accepted low back condition under ORS 656.278(1)(a) (2001). *Robin M. Glover*, 56 Van Natta 3869 (2004). Accordingly, the request for claim reopening is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on May 25, 2005

¹ Additionally, SAIF claimant’s compensable condition had not worsened requiring the requisite medical treatment or resulted in an “inability to work.” ORS 656.278(1)(a) (2001). In this particular case, these matters need not be addressed because even if the “medical treatment” and “inability to work” issues were found in claimant’s favor, the record would still be insufficient to support a claim reopening under ORS 656.278(1)(a) (2001) for the reasons expressed above.