
In the Matter of the Compensation of
SEYMOUR A. PALMER, Claimant
Own Motion No. 05-0176M
OWN MOTION ORDER
Unrepresented Claimant
Gallagher Bassett Ins Svc, Insurance Carrier

Reviewing Panel: Members Kasubhai and Lowell.

The self-insured employer has submitted claimant's request for reopening of his Own Motion claim for a worsening of the previously accepted right shoulder condition and for a "post-aggravation rights" new medical condition claim ("left shoulder impingement"). ORS 656.278(1)(a), (b) (2001). Claimant's aggravation rights have expired. The employer recommends reopening of claimant's 1993 claim in both instances.

The employer has accepted the "post-aggravation rights" new medical condition ("left shoulder impingement") as a compensable component of claimant's 1993 injury claim.

Based on the record, we are persuaded that claimant meets the criteria necessary for his claim to be reopened for a worsening of the previously accepted condition and for the aforementioned "post-aggravation rights" new medical condition. ORS 656.278(1)(a), (b) (2001); *Carol Cutler*, 56 Van Natta 3680 (2004); *Jeffrey C. Davis*, 56 Van Natta 3279 (2004). Accordingly, we authorize the reopening of the claim for the employer to process in accordance with law. When claimant's conditions are medically stationary, the employer shall close the claim pursuant to OAR 438-012-0055.

IT IS SO ORDERED.

Entered at Salem, Oregon on May 18, 2005