

In the Matter of the Compensation of
WENDY PUSKA, Claimant
Own Motion No. 04-0029M
OWN MOTION ORDER
Unrepresented Claimant
Reinisch et al, Defense Attorneys

Reviewing Panel: Members Kasubhai and Lowell.

The self-insured employer submitted claimant's request to reopen her 1991 injury claim for a worsened condition. 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. 04-01661).

On October 31, 2005, Administrative Law Judge (ALJ) Marshall approved a "Disputed Claim Settlement and Order" (DCS) that resolved the parties' disputes pending before the Hearings Division and dismissed claimant's hearing request. Pursuant to that settlement, claimant agreed that the employer's denial, as supplemented in the agreement, would be upheld and all issues raised or raisable were resolved.

Also on October 31, 2005, we approved the parties' Claim Disposition Agreement (CDA), in which claimant released all rights to "non-medical service" benefits under this 1991 claim.

Pursuant to the DCS, claimant's current condition (which is the basis for her "worsening" claim) is unrelated to her June 1991 compensable injuries. Moreover, her Own Motion benefits under this claim for her previously accepted conditions have been released pursuant to the approved CDA. Under these circumstances, we are without authority to reopen claimant's 1991 claim for a worsening of her previously accepted conditions under ORS 656.278(1)(a) (2001). *See Robert McCoy, 57 Van Natta 1427 (2004).*

Accordingly, the request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 17, 2005