

In the Matter of the Compensation of  
**DAVID S. CORLISS, Claimant**  
Own Motion No. 05-0379M  
**OWN MOTION ORDER OF DISMISSAL**  
Philip H Garrow, Claimant Attorneys  
John M Pitcher, Defense Attorneys

Reviewing Panel: Members Langer and Kasubhai.

The self-insured employer has submitted a Carrier's Own Motion Recommendation against the reopening of claimant's 1986 injury claim for a "worsening" of his previously accepted right foot/ankle conditions. *See* ORS 656.278(1)(a). Claimant's aggravation rights have expired. The employer opposed reopening, contending, among other issues, that the proposed medical treatment was not appropriate for the compensable conditions. Claimant requested the Director to review the requested medical treatment. We deferred action on the Own Motion "claim reopening" matter to await resolution of the Director's review. OAR 438-012-0050(2).

On June 19, 2006, the Medical Review Unit (MRU) of the Workers' Compensation Division issued an Administrative Order, which found that the proposed surgery was appropriate medical treatment for claimant's compensable injury. (TX 06-577). No party has timely requested administrative review of that decision.

Subsequently, the employer stated that claimant's attending physician did not perform the recommended surgical procedure and that claimant would have to find another physician to perform the surgery. Furthermore, the employer noted that the parties had agreed that, when claimant underwent surgery, the "claim will, as a matter of course, be reopened under Own Motion." The employer further represents that the parties agreed that the pending Own Motion claim for reopening "may be dismissed without prejudice." Claimant has not disputed the employer's representations.

Under these circumstances, we conclude that the current request for Own Motion relief has been withdrawn. Accordingly, the request for Own Motion relief is dismissed without prejudice.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 16, 2006