
In the Matter of the Compensation of
RONALD R. PHILLIPS, Claimant
Own Motion No. 05-0063M
OWN MOTION ORDER OF DISMISSAL
Welch Bruun & Green, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Langer and Biehl.

The self-insured employer submitted claimant's request for claim reopening for a worsening of his previously accepted conditions ("post traumatic stress disorder, post traumatic positional vertigo"). *See* ORS 656.278(1)(a). Claimant's aggravation rights have expired. The employer submitted a "Carrier's Own Motion Recommendation" against reopening, contending that claimant's current condition is not causally related to the accepted conditions and it is not responsible for the current condition. In addition, the employer issued a denial of claimant's current condition.

Claimant requested a hearing on that denial. (WCB Case No. 05-00703). As a result of claimant's hearing request, we deferred action on the Own Motion "claim reopening" matter.

On December 22, 2005, Administrative Law Judge (ALJ) Riechers approved a "Disputed Claim Settlement Agreement" (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. In addition, we have approved the parties' Claim Disposition Agreement (CDA), in which claimant released his rights to all "non-medical service" benefits under this 1991 claim.¹

¹ Any future medical service benefits for this 1991 claim would be processed pursuant to ORS 656.245, not pursuant to any Own Motion statute or rule. *See* ORS 656.245; ORS 656.278(1)(c) (2001); ORS 656.278(2)(c) (2001); ORS 656.704(3)(a), (3)(b)(C); *Michael J. Joseph*, 54 Van Natta 1929 (2002); *Vicki L. Mangum*, 52 Van Natta 1006 (2000). Thus, claimant released his rights to all Own Motion benefits.

Thereafter, the employer voluntarily reopened claimant's "worsened condition" claim pursuant to ORS 656.278(5). Based on these actions, the employer's Own Motion Recommendation regarding the "worsened condition" claim has become moot.

Accordingly, this Own Motion matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 24, 2006