
In the Matter of the Compensation of
MICHAEL A. TAYLOR, Claimant
Own Motion No. 05-0355M
OWN MOTION ORDER OF DISMISSAL
Unrepresented Claimant
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

The SAIF Corporation submitted claimant's request for claim reopening for a worsening of his previously accepted right shoulder conditions ("bilateral carpal tunnel syndrome and long head biceps tendinitis, right shoulder, tear of the right supraspinatous tendon, tendinosis/tear of the long head of the right biceps tendon and impingement right shoulder").¹ See ORS 656.278(1)(a). Claimant's aggravation rights have expired. SAIF recommended against reopening, contending that claimant's current conditions ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints") are not causally related to the accepted conditions and it is not responsible for the current conditions ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints").

On October 17, 2005, SAIF issued a denial of claimant's current condition ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints"). That denial was not timely appealed and has become final.

In *Jimmie L. Taylor*, 58 Van Natta 75, 77 (2006), we noted that, effective January 1, 2006, if a disputed "current condition" or medical services claim related to a "worsened condition" is never "determined to be compensable" under the amended rules, the carrier's responsibility for the processing of the "worsened condition" claim does not materialize.² See WCB Admin. Order No. 3-2005, eff. 01/01/2006; OAR 438-012-0001(2)(a), (3).

¹ Concurrently, SAIF voluntarily reopened the claim for "post-aggravation rights" new medical conditions ("tear of the right supraspinatous tendon, tendinosis/tear of the long head of the right biceps tendon and impingement right shoulder"). This claim remains in reopened status.

² Although claim processing regarding claimant's "worsened condition" ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints") began under the previous statutes and rules, the Own Motion "claim reopening" matter had not become final prior to January 1, 2006, and the claim existed on or after that date. Therefore, the amendments to ORS 656.267 apply to claimant's "claim reopening" request. HB 2294 § 4; *Taylor*, 58 Van Natta at 76.

Here, claimant's worsened condition claim was based on his medical services claim for the current conditions ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints"). SAIF issued a denial of the current conditions ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints"). That denial was not timely appealed and is final. As a result, the basis of claimant's worsened condition claim, *i.e.*, his current conditions ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints") and medical services claim, have not been determined to be compensable.

Consistent with the holding in *Taylor*, because claimant's "worsened conditions" ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints") have not been determined to be compensable, there is no request for Own Motion relief to be processed. Consequently, SAIF's Own Motion recommendation regarding this "worsened conditions" claim ("osteoarthritis of the right acromioclavicular joint and osteoarthritis of the left acromioclavicular and glenohumeral joints") has become moot.

Accordingly, this Own Motion matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 23, 2006