
In the Matter of the Compensation of
ONEL L. MCKINNEY, Claimant
Own Motion No. 05-0385M
OWN MOTION ORDER ON RECONSIDERATION
Unrepresented Claimant
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Kasubhai.

On December 19, 2005, we declined to reopen claimant's 1970 claim with the SAIF Corporation for a worsened condition under ORS 656.278(1)(a) (2001). In making this determination, we found that, although claimant had established the other requirements for reopening his Own Motion claim for a worsening of a compensable injury, he did not establish that his current disability resulted in a partial or total inability to work. We have since received SAIF's announcement that it has voluntarily reopened the claim for a "post-aggravation rights" new or omitted medical condition ("post-traumatic degenerative arthritis, left knee"). *See* ORS 656.278(1)(b), (5).

We treat SAIF's submission as a motion for reconsideration. Based on SAIF's action, claimant's request for claim reopening has become moot.¹

Accordingly, we withdraw our December 19, 2005 order. This Own Motion matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 9, 2006

¹ Finally, inasmuch as claimant is unrepresented, he may wish to consult the Workers' Compensation Ombudsman, whose job it is to assist injured workers in such matters. He may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS' COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
PO BOX 14480
SALEM, OR 97309-0405