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In the Matter of the Compensation of  
**JOHN W. GRAY JR., Claimant**  
Own Motion No. 05-0405M  
OWN MOTION ORDER  
Swanson Thomas & Coon, Claimant Attorneys  
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Langer and Kasubhai.

The insurer submitted claimant's request for reopening of his Own Motion claim for a worsening of his compensable conditions. ORS 656.278(1)(a). Claimant's aggravation rights have expired.

The insurer initially recommended against reopening claimant's 1995 claim, contending that: (1) claimant's current condition had not resulted in a partial or total inability to work; (2) claimant's current condition did not require any of the requisite medical treatments; (3) the current "worsened" condition was not causally related to the accepted conditions; (4) it was not responsible for the current "worsened" condition; and (5) the proposed treatment was inappropriate medical treatment.

Pursuant to ORS 656.327, the insurer requested Director review of the requested medical treatment. (Ex. 18). On May 15, 2006, the Director's Medical Review Unit (MRU) determined that the insurer was liable for payment of the proposed right shoulder arthroscopic decompression and distal clavicle resection proposed by Dr. Butler. No party has requested administrative review of that decision.

Subsequently, the insurer submitted an amended Own Motion Recommendation for reopening the 1995 claim for a "worsening" of claimant's previously accepted conditions. ORS 656.278(1)(a).

Based on the record, we are persuaded that claimant meets the criteria necessary for his claim to be reopened for a "worsening" of his previously accepted conditions. ORS 656.278(1)(a); *Robert A. Boehm, Jr.*, 58 Van Natta 168 (2006). Accordingly, we authorize the reopening of the claim for the insurer to process in accordance with law. When claimant's condition is medically stationary, the insurer shall close the claim pursuant to OAR 438-012-0055.

Claimant's attorney is allowed an approved fee in the amount of 25 percent of any increased temporary disability compensation resulting from this order, not to exceed \$1,500, payable by the insurer directly to claimant's attorney. *See* OAR 438-015-0080(1).

**IT IS SO ORDERED.**

Entered at Salem, Oregon on July 7, 2006