

In the Matter of the Compensation of
RONALD C. ALEXANDER, Claimant
Own Motion No. 06-0148M
OWN MOTION ORDER
Unrepresented Claimant
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Langer and Kasubhai.

The insurer has submitted claimant's request for reopening of his Own Motion claim for a worsened condition and a "post-aggravation rights" new medical condition ("left knee medial meniscus tear"). ORS 656.278(1)(a), (b). Claimant's aggravation rights have expired. The insurer recommends reopening of claimant's 1991 claim under ORS 656.278(1)(a) and (b).

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 left knee conditions ("left knee strain/bursitis"). ORS 656.278(1)(a); *Robert A. Boehm, Jr.*, 58 Van Natta 168 (2006).

The insurer has also accepted the "post-aggravation rights" new medical condition ("left knee medial meniscus tear") as a compensable component of claimant's 1991 injury claim. Under such circumstances, we are persuaded that claimant meets the criteria necessary for his claim to be reopened. ORS 656.278(1)(b); *Richard L. Willenberg II*, 58 Van Natta 165 (2006).

Accordingly, we authorize the reopening of claimant's Own Motion claim for both a "worsened" condition and a "post-aggravation rights" new/omitted medical condition ("left knee medial meniscus tear") under ORS 656.278(1)(a) and (b) for the insurer to provide benefits in accordance with law. When claimant's conditions are medically stationary and there is sufficient information to determine permanent disability for the new medical condition, the insurer shall close the claim pursuant to OAR 438-012-0055, including the payment of permanent disability compensation, if any, determined to be due under ORS 656.278(1)(b) and (2)(d) for the new medical condition.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 30, 2006