

In the Matter of the Compensation of
RANDALL MACINNES, Claimant
Own Motion No. 05-0380M
OWN MOTION ORDER OF DISMISSAL
Welch Bruun & Green, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Kasubhai and Langer.

The insurer submitted a “Carrier’s Own Motion Recommendation” against claim reopening for a “worsening” of his previously accepted condition. ORS 656.278(1)(a). Claimant’s aggravation rights have expired.

On October 28, 2005, the insurer issued a denial, on which claimant requested a hearing. (WCB Case No. 05-08039). As a result of claimant’s hearing request, we deferred action on the Own Motion “claim reopening” matter.

Administrative Law Judge (ALJ) Somers has approved a “Stipulation” that resolved the parties’ disputes pending before the Hearings Division and dismissed claimant’s hearing request. (WCB Case No. 05-08039). Pursuant to that agreement, the parties agreed that the compensable condition in this claim was limited to “left leg deep vein thrombosis” and the insurer agreed to pay for medical treatment regarding this condition. The parties further agreed that the denial of claimant’s “pulmonary embolism and venous insufficiency/postphlebotic syndrome” was upheld.

Thereafter, the Board’s staff directed a letter to the parties regarding the effect of the settlement on this pending Own Motion matter. In response, claimant has withdrawn his request for Own Motion “claim reopening.”

Accordingly, we dismiss this request for Own Motion relief.

IT IS SO ORDERED.

Entered at Salem, Oregon on September 19, 2006