

In the Matter of the Compensation of  
**DANIEL J. YARR, Claimant**  
Own Motion No. 07-0037M  
OWN MOTION ORDER OF DISMISSAL  
Malagon Moore et al, Claimant Attorneys  
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Langer and Biehl.

The insurer has submitted a “Carrier’s Own Motion Recommendation” form, indicating that claimant requests that it reopen his 1998 injury claim for a “worsening” of his previously accepted condition. *See* ORS 656.278(1)(a). The insurer recommends against reopening the claim.

Claimant’s aggravation rights have expired on his 1998 injury claim. Therefore, the claim is within our Own Motion jurisdiction. *Miltenberger v. Howard’s Plumbing*, 93 Or App 475 (1988). Claims for which aggravation rights have expired are processed under the provisions of ORS 656.278, the statute addressing our Own Motion authority, and the Board’s Own Motion rules. ORS 656.278(1)(a); OAR 438-012-0001 *et seq.*

In response to the insurer’s “Carrier’s Own Motion Recommendation” form, claimant states that he is only asking for the insurer to “process medical bills for further benefits,” and that he is not seeking the reopening of his Own Motion claim for the payment of temporary disability. The insurer responds that claimant’s January 19, 2007 letter represented an Own Motion “claim” that it was required to process pursuant to the Own Motion statutes and rules and that such claim processing resulted in the “Carrier’s Own Motion Recommendation” now at issue.

As addressed above, we acknowledge that the insurer is required to process an Own Motion claim under ORS 656.278 and the Board’s Own Motion rules. Nevertheless, to the extent that claimant filed an Own Motion claim with his January 2007 letter, his response to the insurer’s Own Motion Recommendation unambiguously establishes that any such claim has been withdrawn.

Under such circumstances, this Own Motion matter is dismissed. Claimant’s entitlement to medical expenses pursuant to ORS 656.245 is not affected by this order.

IT IS SO ORDERED.

Entered at Salem, Oregon on April 25, 2007