

In the Matter of the Compensation
PATRICK E. SHAW, Claimant

Own Motion No. 07-0080M

OWN MOTION ORDER

Philip Lebenbaum, Hollander & Lebenbaum, Claimant Attorneys
Donna Johnson, Liberty NW Ins Corp, Insurance Company

Reviewing Panel: Members Langer and Biehl.

The insurer has submitted claimant's request for reopening of his Own Motion claim for a worsened condition. ORS 656.278(1)(a). Claimant's aggravation rights have expired. The insurer recommends reopening of claimant's 1992 claim under ORS 656.278(1)(a).¹

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 right shoulder 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.

IT IS SO ORDERED.

Entered at Salem, Oregon on June 20, 2007

¹ Currently pending before us is claimant's request for Board review of a November 29, 2006 Own Motion Notice of Closure, which pertained to a reopening for a "post-aggravation rights" new/omitted medical condition ("right shoulder rotator cuff tears"). (WCB Case No. 06-0161M).