
In the Matter of the Compensation of
SUSAN K. EVANS, Claimant
Own Motion No. 07-0187M
OWN MOTION ORDER
Preston Bunnell & Flynn LLP, Claimant Attorneys
Liberty NW Ins Corp, Insurance Carrier

Reviewing Panel: Members Biehl and Lowell.

The insurer has submitted claimant's request for reopening of her 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).

Based on the record, we are persuaded that claimant meets the criteria necessary for her claim to be reopened for a "worsening" of her previously accepted low back conditions ("lumbar strain, L5-S1 disc bulge, L5 nerve root impingement on the left, L5-S1 spondylolisthesis with left leg radiculopathy"). 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.¹ 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 January 15, 2008

¹ On February 14, 2007, we authorized the reopening of claimant's claim for a "post-aggravation rights" new/omitted medical condition ("L4-5 condition"). ORS 656.278(1)(b); *Susan K. Evans*, 59 Van Natta 410 (2007). The new medical condition claim remains in reopened status. As explained in our prior order, when claimant's new medical condition is 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.