
In the Matter of the Compensation of
BEVERLY R. BRIDGMON, Claimant
Own Motion No. 08-0145M
INTERIM OWN MOTION ORDER POSTPONING ACTION ON REVIEW OF
CARRIER CLOSURE
Malagon Moore et al, Claimant Attorneys
Julie Masters, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Langer and Weddell.

Claimant requests review of the August 18, 2008 Notice of Closure that did not award permanent disability (PPD) for her “post-aggravation rights” new/omitted medical conditions (“C5-6 disc herniation”). On review, claimant contends that she is entitled to an additional PPD award. She also seeks the appointment of a medical arbiter.

FINDINGS OF FACT

On August 15, 1989, claimant sustained a compensable neck injury. Her aggravation rights have expired.

On July 17, 2008, the SAIF Corporation voluntarily reopened claimant’s claim for a “post-aggravation rights” new medical condition (“C5-6 disc herniation”). ORS 656.278(5); ORS 656.278(1)(b).

An August 18, 2008, Own Motion Notice of Closure did not award PPD for the aforementioned “post-aggravation rights” new medical condition.

Claimant has requested review of the Notice of Closure requesting additional PPD. In addition, she seeks the appointment of a medical arbiter.

CONCLUSIONS OF LAW AND OPINION

Consistent with the procedures set forth in *Edward A. Miranda*, 55 Van Natta 784 (2003), we postpone our review of this matter pending receipt of a medical arbiter’s report. See *John S. Ross*, 56 Van Natta 3369 (2004). We also refer the claim to the Director to appoint a medical arbiter. The parties shall provide the Director with whatever information the Director deems necessary to assist the medical arbiter in evaluating the accepted “post-aggravation rights”

new/omitted medical conditions (“C5-6 disc herniation”), the only condition for which claimant is presently entitled to a rating of PPD benefits under ORS 656.278(1)(b) and ORS 656.278(2)(d).¹

Following completion of the medical arbiter process, and the Board’s receipt of a copy of the medical arbiter report, a supplemental briefing schedule will be implemented to allow the parties an opportunity to address the effect, if any, the arbiter’s report has on claimant’s request for review of the closure notice. After completion of that schedule, we will proceed with our review.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 4, 2008

¹ The Appellate Review Unit (ARU) is requested to provide the Board with a copy of the entire written record (including any cover letter or questions to the arbiter from ARU) that it forwards to the medical arbiter.