

In the Matter of the Compensation of  
**BONNIE SHEA, Claimant**  
Own Motion No. 09-0062M  
OWN MOTION ORDER  
Unrepresented Claimant  
Liberty NW Ins Corp, Carrier

Reviewing Panel: Members Lowell and Weddell.

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 1999 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 left knee conditions. ORS 656.278(1)(a); *Robert A. Boehm, Jr.*, 58 Van Natta 168 (2006).<sup>1 2</sup>

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.<sup>3</sup>

IT IS SO ORDERED.

Entered at Salem, Oregon on May 14, 2009

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<sup>1</sup> The record does not demonstrate that claimant has initiated a "post-aggravation rights" new medical condition claim. Thus, any consideration of "unclaimed" conditions would be premature. See ORS 656.267(3); ORS 656.278(1)(b). Instead, our decision is limited to a review of claimant's worsening claim for her previously accepted left knee conditions.

If claimant wishes to initiate a new or omitted medical condition claim, she may request formal written acceptance of the claim from the insurer. ORS 656.267(1). If the insurer receives such a claim, and the claim is "determined to be compensable," it must be processed according to the Board's rules. See OAR 438-012-0001(4); OAR 438-012-0030(1); *James W. Jordan*, 58 Van Natta 34, 37 (2006).

<sup>2</sup> Other potential issues the insurer mentions in its letter accompanying its recommendation are claim processing matters that may later arise and are the employer's responsibility in the first instance. *Richard R. Wright*, 60 Van Natta 2533 (2008); *Robert Cate*, 60 Van Natta 2325 (2008).

<sup>3</sup> Finally, inasmuch as claimant is unrepresented, she may wish to consult the Ombudsman for Injured Workers, whose job it is to assist injured workers. She may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

OMBUDSMAN FOR INJURED WORKERS  
DEPT OF CONSUMER & BUSINESS SERVICES  
PO BOX 14480  
SALEM, OR 97309-0405