
In the Matter of the Compensation of
LINDA M. MAZUR, Claimant
Own Motion No. 08-0178M
OWN MOTION ORDER OF DISMISSAL
Scott M McNutt Jr, AAL, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Weddell and Lowell.

The insurer submitted an Own Motion Recommendation against the reopening of claimant's Own Motion claim for a "worsened condition." ORS 656.278(1)(a). Claimant's aggravation rights have expired. In addition, claimant requested a hearing regarding the compensability of a medical services claim. (WCB Case No. 09-00483).

We have since approved the parties' Claim Disposition Agreement (CDA), in which claimant released all rights to "non-medical service" benefits (including Own Motion benefits under ORS 656.278) under this 1998 claim. In addition, Administrative Law Judge (ALJ) Marshall has approved a "Disputed Claim Settlement" (DCS) that resolved the parties' compensability dispute that was pending before the Hearings Division and dismissed claimant's hearing request.

Under these circumstances, we conclude that the issues arising from this request for Own Motion relief have become moot.¹ Accordingly, this matter is dismissed.

IT IS SO ORDERED.

Entered at Salem, Oregon on October 8, 2009

¹ Because there has not been a "compensability determination" regarding the "worsened condition," we further note that the recommendation was also premature. *Jimmie L. Taylor*, 58 Van Natta 75 (2006).