
In the Matter of the Compensation of
DONALD E. BELL, Claimant
WCB Case No. 10-00134
ORDER OF ABATEMENT
Hooton Wold & Okrent LLP, Claimant Attorneys
Cummins Goodman et al, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

On October 28, 2011, we vacated an Administrative Law Judge's (ALJ's) order that had set aside the self-insured employer's denial of claimant's new/omitted medical condition claim for a right shoulder SLAP tear. We took this action based on our finding that it was an abuse of discretion for the ALJ to have denied the employer's motion to obtain responsive medical evidence while the hearing was continued. Asserting that our order lacks findings and reasoning required by OAR 438-006-0091, claimant contends that our decision is legally deficient. Consequently, he seeks abatement and reconsideration of our order.

To further consider this matter, we withdraw our October 28 order and implement the following supplemental briefing schedule. The employer's response must be filed within 14 days from the date of this order. Claimant's reply must be filed within 14 days from the date of mailing of the employer's response. Thereafter, we will proceed with our reconsideration.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 4, 2011