
In the Matter of the Compensation of
PATTY S. COXEFF, Claimant
WCB Case Nos. 11-02695, 10-05872
ORDER DENYING RECONSIDERATION
Unrepresented Claimant
Randy Rice AAL, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

Claimant, *pro se*,¹ requests reconsideration of our January 6, 2012 order that dismissed her request for Board review because the other parties to the proceeding did not receive timely notice of the request. Inasmuch as the request was not filed within 30 days of our order, we decline to reconsider our order and claimant's recent submission.

A Board order is final unless, within 30 days after the date of mailing copies of the order, one of the parties files a petition for judicial review with the Court of Appeals. ORS 656.295(8). The time within which to appeal an order continues to run unless the order has been "stayed," withdrawn or modified. *Int'l Paper Co. v. Wright*, 80 Or App 444, 447 (1986); *Fischer v. SAIF*, 76 Or App 656, 659 (1986).

Here, the 30th day following our January 6, 2012 Order of Dismissal was February 5, 2012, a Sunday. Thus, the final day for us to reconsider our decision was Monday, February 6, 2012. *Anita L. Clifton*, 43 Van Natta 1921 (1991). Claimant's request for reconsideration was mailed to us on February 6, 2012. However, we did not receive it until February 8, 2012.

Our authority to reconsider a prior decision is not premised on when a motion for reconsideration is mailed or filed. Instead, our authority is contingent on our issuance of another order (be that an abatement, reconsideration, amended, or any other order) prior to the expiration of the 30-day statutory period. Thus, regardless of when a motion for reconsideration is mailed or filed, the 30-day statutory period continues to run unless our order is withdrawn, abated, or reconsidered. See *Pablo V. Valdivia*, 58 Van Natta 2669 (2006); *Janet F. Tillit*, 53 Van Natta 1027 (2001); *Cynthia J. Thiesfeld*, 51 Van Natta 1420 (1999).

¹ Because claimant is unrepresented, she may wish to consult the Ombudsman for Injured Workers. She may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

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

Because our January 6, 2012 order was not withdrawn, abated, modified, or reconsidered by February 6, 2012, we decline to reconsider the order. Accordingly, claimant's request for reconsideration is denied.

Nevertheless, we have also received a copy of claimant's petition for judicial review of our order. Consequently, we will prepare the appellate record and, once that process is completed, will forward the record to the court.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 14, 2012