
In the Matter of the Compensation of
DANIEL L. MARTIN, Claimant
WCB Case No. 15-01511
ORDER OF ABATEMENT
Dennis O'Malley, Claimant Attorneys
Thaddeus J Hettle & Assoc, Defense Attorneys

Reviewing Panel: Members Johnson and Weddell.

On June 30, 2016, we denied the self-insured employer's motion for reconsideration of our June 2, 2016 order that affirmed an Administrative Law Judge's (ALJ's) order that: (1) found that claimant's injury claim for an acute adjustment disorder with mixed anxiety condition was not prematurely closed; and (2) affirmed an Order on Reconsideration that awarded 35 percent whole person impairment for that condition. In reaching our decision, we noted that the employer had not provided any specific argument identifying what portion(s) of our decision is considered erroneous. *See* OAR 438-011-0035(2).

The employer has now filed an amended reconsideration motion, which asserts that we neglected to address arguments presented in its appellate briefs regarding the opinion of Dr. Turco, which it contends supports its position that claimant's condition was not medically stationary and, as such, his claim was prematurely closed and his permanent impairment should not be evaluated.

In order to consider the employer's specific contentions, in lieu of our June 30 order, we withdraw our June 2 order.¹ Claimant is granted an opportunity to respond to the employer's contentions. To be considered, that response must be filed within 14 days from the date of this order. Thereafter, we will proceed with our reconsideration.

IT IS SO ORDERED.

Entered at Salem, Oregon on July 1, 2016

¹In addition, the employer requests an additional 21 days within which to file further written argument in support of its motion. Yet, the employer's motion has identified its previous arguments (as already expressed in its appellate briefs) that it contends were not addressed in our decision. Furthermore, the employer has had the ensuing 29 days since our June 2 order to prepare and submit any additional arguments regarding our decision. Considering such circumstances, the employer's request for an extension of time to file supplemental argument is denied.