
In the Matter of the Compensation of
RONALD K. SLATON, III, Claimant
Own Motion No. 16-00011OM
INTERIM OWN MOTION ORDER POSTPONING ACTION ON REVIEW OF
CARRIER CLOSURE
Brian L Pocock, Claimant Attorneys
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Johnson and Weddell.

Claimant requests review of a January 19, 2016 Own Motion Notice of Closure that awarded 6 percent whole person permanent impairment for his “post-aggravation rights” new/omitted medical condition (right shoulder bankart lesion posterior glenoid with disruption of the posterior labrum). On review, claimant seeks an increased permanent disability award, as well as the appointment of a medical arbiter.

FINDINGS OF FACT

On December 22, 2015, the SAIF Corporation voluntarily reopened claimant’s Own Motion claim for a “post-aggravation rights” new/omitted medical condition (right shoulder bankart lesion posterior glenoid with disruption of the posterior labrum). (Ex. 37).

On January 19, 2016, SAIF issued an Own Motion Notice of Closure that awarded 6 percent whole person permanent impairment for the aforementioned “post-aggravation rights” new/omitted medical condition.

Claimant has requested review of the January 2016 Own Motion Notice of Closure. He seeks an increased permanent disability award, as well as the appointment of a medical arbiter.

CONCLUSIONS OF LAW AND OPINION

Claimant requests review of the Own Motion Notice of Closure based on his disagreement with the impairment findings used to rate his disability and seeks the appointment of a medical arbiter. Therefore, consistent with the procedures set forth in *Miranda*, we postpone our review of the Own Motion claim closure pending receipt of a medical arbiter’s report. *See John S. Ross*, 56 Van Natta 3369 (2004); *Edward A. Miranda*, 55 Van Natta 784 (2003). We also refer the claim to

the Director to appoint a medical arbiter. The parties shall provide the Director with whatever information the Director deems necessary to assist the medical arbiter, including identification of the accepted “post-aggravation rights” new/omitted medical condition (right shoulder bankart lesion posterior glenoid with disruption of the posterior labrum), the only condition for which claimant is presently entitled to a rating of permanent disability benefits under ORS 656.278(1)(b) and ORS 656.278(2)(d).¹

Following completion of the medical arbiter process, and the Board’s receipt of a copy of the medical arbiter report, a supplemental briefing schedule will be implemented to allow the parties an opportunity to address the effect, if any, the arbiter’s report has on claimant’s request for review of the closure notice. After completion of that schedule, we will proceed with our review.

IT IS SO ORDERED.

Entered at Salem, Oregon on April 18, 2016

¹ The Appellate Review Unit (ARU) is requested to provide the Board with a copy of the entire written record (including any cover letter or questions to the arbiter from ARU) that it forwards to the medical arbiter.