
In the Matter of the Compensation of
PATRICK M. SHIPPY, Claimant
Own Motion No. 16-00004OM
OWN MOTION ORDER
Roger Ousey PC, Claimant Attorneys
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

The self-insured employer submitted a “Carrier’s Own Motion Recommendation” against the reopening of claimant’s 1999 injury claim for “post-aggravation rights” new/omitted medical conditions (right shoulder rotator cuff tear (supraspinatus tendon) and right shoulder impingement syndrome). *See* ORS 656.278(1)(b). The employer opposed reopening, noting that compensability of and responsibility for these conditions was decided by an Administrative Law Judge’s (ALJ’s) order, and that it had requested review of that order.¹

On June 8, 2016, we issued an Interim Own Motion Order that provisionally reopened claimant’s Own Motion claim for the aforementioned “post-aggravation rights” new/omitted medical conditions, pending our review of the ALJ’s compensability/responsibility decision. *See Patrick M. Shippy*, 68 Van Natta 885 (2016). We incorporate that June 2016 interim order by this reference.

Our interim order provided that, if we ultimately affirmed the ALJ’s compensability/responsibility decision, we would replace the interim order with a final, appealable Own Motion Order reopening the Own Motion claim for the “post-aggravation rights” new/omitted medical conditions. *Id.*

On this date, we have affirmed the ALJ’s compensability/responsibility decision. Accordingly, consistent with our interim order, we authorize the reopening of claimant’s Own Motion claim under ORS 656.278(1)(b) for the employer to provide benefits in accordance with law. When claimant’s condition is medically stationary and there is sufficient information to determine permanent disability, the employer shall close the claim pursuant to OAR 438-012-0055, including the payment of permanent disability compensation, if any, determined to be due under ORS 656.278(1)(b) and (2)(d) for the new/omitted medical conditions.

IT IS SO ORDERED.

Entered at Salem, Oregon on August 17, 2016

¹ However, the employer concedes that, if the ALJ’s order is affirmed, claimant’s Own Motion claim should be reopened.