In the Matter of the Compensation of
GUADALUPE L. SCHWAB, Claimant
Own Motion No. 16-00036OM
INTERIM OWN MOTION ORDER POSTPONING ACTION ON REVIEW OF CARRIER CLOSURE
Scott M McNutt Sr, Claimant Attorneys
Bohy Conratt LLP, Defense Attorneys

Reviewing Panel: Members Curey and Lanning.

Claimant requests review of an Own Motion Notice of Closure that did not award permanent disability for her "post-aggravation rights" new/omitted medical condition (left knee medial and lateral degenerative disease). On review, claimant seeks a permanent disability award, as well as the appointment of a medical arbiter.[1]

FINDINGS OF FACT

On June 14, 2016, the carrier issued an Own Motion Notice of Closure that did not award permanent disability for the aforementioned "post-aggravation rights" new/omitted medical condition.

Claimant has requested review of the Notice of Closure. She seeks a permanent disability award, as well as the appointment of a medical arbiter.

CONCLUSIONS OF LAW AND OPINION

Because claimant requests review of an Own Motion Notice of Closure based on her disagreement with the impairment findings used to rate her disability, and seeks the appointment of a medical arbiter, 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

[1] Claimant also seeks a temporary disability award. Consideration of that issue will be deferred until the implementation of a briefing schedule following our receipt of a medical arbiter report.

"post-aggravation rights" new/omitted medical conditions (left knee medial and lateral degenerative disease), 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). [2]

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 August 10, 2016

[2] 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.