In the Matter of the Compensation of
RICHARD D. SLOCUM, Claimant
Own Motion No. 16-00003OM
INTERIM OWN MOTION ORDER POSTPONING ACTION ON REVIEW OF CARRIER CLOSURE
Martin J McKeown, Claimant Attorneys
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Weddell and Curey.

Claimant requests review of a December 29, 2015 Own Motion Notice of Closure that did not award permanent partial disability (PPD) for his "post-aggravation rights" new/omitted medical conditions (recurrence of right hip, posterior thigh and calf pain, excessive nerve root scarring and adherence, diskal recurrence and encroachment of the course of the L5-S1 roots by redundant remaining ligamentum flavum in the medial facet and other contiguous structures, presumed postoperative fibrosis/scarring with moderate right neural foraminal stenosis at L5-S1, lumbar radiculitis, spondylitic circumferential disc bulge, bilateral facet osteoarthropathy, right hemilaminotomy, narrowing of the right lateral recess, nerve root compresson on right L5-S1, postsurgical changes at the right L5-S1 level from interbody and posterior spinal fusion, mild degenerative disc disease and legamentum flavum hypertrophy at the L4-L5 resulting in the dimensions of the spinal canal being within lower limits of normal to mildly decreased and postsurgical changes in the soft tissues posterior to the lower lumbar spine with degenerative and/or postsurgical fatty atrophy of the lower paraspinal musculature). On review, claimant seeks a PPD award, as well as the appointment of a medical arbiter.

Consistent with the procedures set forth in *Miranda*, we postpone our review 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 conditions (which have been listed above), the only conditions for which claimant is presently entitled to a rating of PPD benefits under ORS 656.278(1)(b) and ORS 656.278(2)(d).[1]

[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.

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 February 11, 2016