
In the Matter of the Compensation of
MARIA I. ORTEGA-AYALA, Claimant
Own Motion No. 15-00061OM
OWN MOTION ORDER
Dodge & Associates, Claimant Attorneys
Law Offices of Kathryn R Morton, Defense Attorneys

Reviewing Panel: Members Johnson and Weddell.

Claimant requested Own Motion relief, seeking temporary disability benefits, penalties, and attorney fees.¹ According to Workers' Compensation Division (WCD) records, claimant's March 2008 injury claim (Claim No. WC608-A91651-00) was last closed in April 2009 and has not been subsequently reopened.

The insurer has moved for dismissal, contending that claimant is not entitled to Own Motion relief. We granted claimant an opportunity to respond to the insurer's motion. In doing so, claimant was advised that, in the absence of a timely response, it would be assumed that she had no objection to the insurer's motion. The due date for claimant's response has now expired.

We have proceeded with our review. Based on WCD's records, claimant's March 2008 injury claim (Claim No. WC608-A91651-00) was last closed in April 2009, has not been reopened, and currently is in closed status. Under such circumstances, we are not authorized to grant claimant's request to direct the closure and rating of this claim.

Accordingly, based on the aforementioned reasoning, claimant's request for Own Motion relief is denied.

IT IS SO ORDERED.

Entered at Salem, Oregon on January 28, 2016

¹ Claimant filed a hearing request, contending that the insurer had failed to close and rate this claim. Because it appeared from Workers' Compensation Division (WCD) records that claimant's 5-year "aggravation rights" regarding this claim had expired, the request was referred to the Own Motion section.