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In the Matter of the Compensation of  
**LORNA D. WILLIAMS, Claimant**  
Own Motion No. 15-00078OM  
OWN MOTION ORDER REVIEWING CARRIER CLOSURE  
Welch Bruun & Green, Claimant Attorneys  
Liberty NW Ins Corp, Defense Attorneys

Reviewing Panel: Members Johnson and Weddell.

Claimant requests review of the November 17, 2015 Notice of Closure that awarded no permanent disability benefits for her “worsened condition” claim.<sup>1</sup> Claimant seeks a permanent disability award, as well as the appointment of a medical arbiter. We affirm the Notice of Closure.

FINDINGS OF FACT

In April 2, 2002, claimant sustained a compensable right thumb injury.

On July 8, 2015, the insurer voluntarily reopened claimant’s Own Motion claim for a “worsening” of her previously accepted right thumb metacarpophalangeal sprain.<sup>2</sup>

On November 17, 2015, an Own Motion Notice of Closure closed that “worsened condition” claim. Claimant requested Board review, seeking the appointment of a medical arbiter, as well as a permanent disability award.

CONCLUSIONS OF LAW AND OPINION

When a claim has been reopened pursuant to our Own Motion authority for a “worsened condition” under ORS 656.278(1)(a), the subsequent closure

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<sup>1</sup> Claimant’s April 2, 2002 claim was accepted and was first closed on December 23, 2003. Thus, claimant’s aggravation rights expired on December 23, 2008. Therefore, when she sought claim reopening in July 2015, the claim was within our Own Motion jurisdiction. ORS 656.278(1). On July 8, 2015, the insurer voluntarily reopened claimant’s Own Motion claim for a “worsening” of claimant’s previously accepted right thumb metacarpophalangeal sprain condition. ORS 656.278(1)(b), (5). On November 17, 2015, the insurer issued its Notice of Closure.

<sup>2</sup> This finding is based on Workers’ Compensation Division records. The insurer did not include a copy of its voluntary claim reopening in the materials submitted for our review. In the future, the insurer is reminded to include relevant claim processing information such as claim reopenings and closures (in addition to acceptances, denials, litigation orders, and claim evaluation worksheets) in all record submissions provided to the Board.

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of that claim pertains only to the reopened “worsened condition” claim. *Dennis D. Kessel*, 55 Van Natta 3651 (2003); *Clayton L. Sutherland*, 55 Van Natta 2694 (2003); *Ginney E. Etherton*, 55 Van Natta 2216 (2003).

Here, the claim was reopened for a “worsened condition” that was in Own Motion status. See ORS 656.278(1)(a). Consequently, claimant is not statutorily entitled to a permanent disability award.<sup>3</sup> See *Goddard v. Liberty Northwest Ins. Corp.*, 193 Or App 238 (2004); *Jose C. Moreno*, 63 Van Natta 2242 (2011); *Jimmy O. Dougan*, 54 Van Natta 1213, *recons*, 54 Van Natta 1552 (2002), *aff’d Dougan v. SAIF*, 193 Or App 767 (2004), *vacated*, 339 Or 1 (2005).

Accordingly, we affirm the November 17, 2015 Notice of Closure.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on March 28, 2016

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<sup>3</sup> Likewise, claimant is not entitled to a medical arbiter examination. See *Von D. Bailey*, 59 Van Natta 847, 849 (2007).