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In the Matter of the Compensation of  
**TOBY J. VANCE SR., Claimant**  
Own Motion No. 16-000400M  
OWN MOTION ORDER ON REVIEW OF CARRIER CLOSURE  
Scott M McNutt Sr, Claimant Attorneys  
Liberty NW Ins Corp, Carrier

Reviewing Panel: Members Lanning and Johnson.

Claimant requests review of the June 28, 2016 Notice of Closure that did not award permanent disability benefits for his “worsened condition.” 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 February 10, 1999, claimant sustained a compensable right shoulder injury.

On July 9, 2015, we authorized the reopening of claimant’s Own Motion claim for a “worsening” of his accepted right shoulder condition.<sup>1</sup> *Toby J. Vance*, 67 Van Natta 1245 (2015).

On June 28, 2016, 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 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).

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<sup>1</sup> The July 9, 2015 Own Motion order was not included in the record that was submitted to us by the carrier. In the future, the carrier is reminded to include relevant documents such as this when submitting the record. *See* OAR 438-012-0060(3). However, we may take administrative notice of facts “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” This includes agency orders, such as an Own Motion Order. *See Groshong v. Montgomery Ward Co.*, 73 Or App 403 (1985); *James E. Manning*, 68 Van Natta 1489 n2 (2016).

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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>2</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 June 28, 2016 Notice of Closure.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on October 12, 2016

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<sup>2</sup> Likewise, claimant is not entitled to a medical arbiter examination. *See Von D. Bailey*, 59 Van Natta 847, 849 (2007).