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In the Matter of the Compensation of  
**RIGOBERTO NIEVES SARAVIA, Claimant**  
Own Motion No. 09-0099M  
SECOND OWN MOTION ORDER OF DISMISSAL  
Dodge Law Firm, Claimant Attorneys  
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

On August 20, 2009, we dismissed claimant's request for Board review of the April 1, 2009 Notice of Closure. *Rigoberto S. Nieves*, 61 Van Natta 2074 (2009).<sup>1</sup> In doing so, we found that claimant had not established "good cause" for his untimely request for review. Claimant requested reconsideration, submitting an affidavit, which asserted that his attorney was not timely sent a copy of the closure notice and that, alternatively, he had established good cause for his untimely request for review. On September 17, 2009, we abated our order to consider claimant's request for reconsideration and to allow the parties to present their respective positions. *Rigoberto S. Nieves*, 61 Van Natta 2231 (2009). On December 17, 2009, we referred the matter to the Hearings Division for a fact finding hearing to establish whether claimant had established "good cause" for his untimely request for review. *Rigoberto Nieves Saravia*, 61 Van Natta 2934 (2009).

Following a July 29, 2010 hearing, Administrative Law Judge (ALJ) Otto issued an Own Motion recommendation that we dismiss claimant's request for Board review of the April 1, 2009 Notice of Closure because he had not established "good cause" for his untimely request for review. We adopt the ALJ's recommendation with the following supplementation.<sup>2 3</sup>

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<sup>1</sup> Our prior orders listed claimant's name as "Rigoberto S. Nieves." However, the correct spelling of his name is "Rigoberto Nieves Saravia."

<sup>2</sup> Following issuance of the ALJ's recommendation, claimant's attorney withdrew his representation. As a result, we extended the supplemental briefing schedule to provide claimant, now *pro se*, an opportunity to present his position and the SAIF Corporation an opportunity to respond. Having received the parties' positions, we proceed with our reconsideration.

<sup>3</sup> Inasmuch as claimant is currently unrepresented, he may wish to consult the Ombudsman for Injured Workers, whose job it is to assist injured workers. He may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES  
OMBUDSMAN FOR INJURED WORKERS  
PO BOX 14480  
SALEM OR 97309-0405

Claimant contends that he did not receive a copy of the April 1, 2009 Notice of Closure because it was sent to his former attorney. He also states that when he called his former attorney after “about 15 days,” he was advised that “nothing else [could] be done,” so he contacted his subsequent attorney. However, for the reasons expressed by the ALJ, we find that claimant timely received a copy of that closure notice at his current address. In other words, the record does not persuasively support claimant’s assertion that his first receipt of the Notice of Closure came from one of his attorneys.

Consequently, claimant has not established “good cause” for his untimely request for review of the April 1, 2009 Own Motion Notice of Closure. Therefore, we dismiss his request for review.

Accordingly, on reconsideration, as supplemented herein, we adhere to and republish our August 20, 2009 order, effective this date. The parties’ rights of appeal and reconsideration shall begin to run from the date of this order.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on December 10, 2010