
In the Matter of the Compensation of
BENJAMIN A. VANDEMAN, Claimant
Own Motion No. 14-00025M
OWN MOTION ORDER OF ABATEMENT
Ransom Gilbertson Martin et al, Claimant Attorneys
Liberty Mutual Ins, Carrier

Reviewing Panel: Members Johnson and Weddell.

On October 22, 2014, we republished our September 25, 2014 Own Motion Order that declined to award temporary disability benefits for claimant's reopened "post-aggravation rights" new/omitted medical condition claim ("adjustment reaction with depressed mood and major depression"). In reaching our decision, we determined that the record did not persuasively establish that it was futile for claimant to have sought work during the period preceding his August 13, 2013 "date of disability." Submitting a medical report from his current physician (which indicates that it would have been futile for him to have sought work during 2013), claimant seeks reconsideration of our decision and a temporary disability award.

To further consider this matter, we withdraw our prior orders. The insurer is granted an opportunity to respond. To be considered, that response must be filed within 14 days from the date of this order. Thereafter, we will proceed with our reconsideration.

IT IS SO ORDERED.

Entered at Salem, Oregon on November 19, 2014