

Subject	Claimant	42 NCN Issue
APPELLATE PROCEDURE		
Board Review Request Dismissed – Jurisdiction Continue Rest With ALJ – Further ALJ Action Required to Finally D of Claim and Fix Amount of Compensation – <i>Price, Linda</i> <i>Norris</i> Cited	ispose	. Mendoza 9
Board Declined to Take Administrative Notice of Oregon I Board Opinion Not Included in Hearing Record – Board G Claimant's Motion to Strike Portions of the Employee's Br Referenced Medical Board Opinion	Granted	vin 10
ATTORNEY FEE		
ORS 656.386(1) Fee Awardable for Overcoming Subjecti Denial	vity Immer Guti	errez 3
No ORS 656.383 Fee Awardable Where Order on Reconsideration Found Claim Prematurely Closed But Di Award or Address Temporary Disability Benefits	Brandon E. d Not	Lamb 3
On remand, Board Declines to Apply "Peabody" Analysis; Determines a Reasonable Fee Based on Factors, Consider that Claimant Prevailed on One of Many Issues		7. Interiano 4
Responsibility Fee Properly Awarded under ".307(5)" Rat ".308(2)(d)" Due to Issuance of ".307" Order by the Direct		eigler 5
Applying "Peabody" Analysis, Board Awards \$7,000 for S on Review Under ORS 656.382(3) - Fees Under that State Eligible for "Bifurcation"		a 7
<u>CDA</u>		
"Pre-closure" Agreement to Pay Under \$2,500 to Pro Se Claimant, Where Information Revealed Several Areas of that were Potentially Awardable, Held Unreasonable As a of Law under ORS 656.236(1)(a)(A).		Owens 3
"CEASES" DENIAL		
Employer Did Not Persuasively Meet its Burden of Provin "Change" in Combined Knee Condition Since Acceptance	•	oington 6
CLAIM PROCESSING		

Subject	Claimant	42 NCN 1	Issue
Board Finds Claim Not Prematurely Closed, Accepted Co Medically Stationary; Motion to Remand Denied		n Bybee	4
COMBINED CONDITION			
"Ceases" Denial Upheld - Carrier Met Burden to Establish Change in Claimant's Condition or Circumstances	n Mark	S. Mooney	10
Record Established that Previously Accepted Cervical Str Combined with Cervical Osteoarthritis to Cause or Prolon Disability or Need for Treatment - Carrier Did Not Meet B Under ORS 656.266(2) - "266(2)"	g	H. Pimentel-Hurtado	11
COMPENSABILITY			
Claimant Met Initial "Material Cause" Burden; Contrary Operimarily Focused on Whether Claimant Had Findings The Established a Particular Diagnosis; Carrier Did Not Meet Burden Under ORS 656.266(2)(a) Due to Inadequate "We	at Further	elle Miller	1
New/Omitted Medical Condition Did Not Require Medical Services, Denial Upheld	Ceci	ia Avila-Morales	3
Physician's Opinion Based On Unreliable and Inconsister Claimant Statements, Therefore Unpersuasive	nt Dian	e Cort-Wagner	5
Right Knee Chondral Defect Established, Arthritis Was Compensable Consequence of the Chondral Defect	Briar	E. Moore	6
CONSEQUENTIAL CONDITION			
Right Knee Chondral Defect Established, Arthritis Was Compensable Consequence of the Chondral Defect	Briar	E. Moore	6
COURSE & SCOPE			
Claimant's Injury Resulted from "Unexplained Fall" – Faci Nonspeculative Idiopathic Explanation Not Established	ally Fran	cheter Harvey	2
Injury "Arose Out of" and Occurred "in the Course of" Employment – Resulted From an Unexplained Syncope - Did Not Establish Nonspeculative Explanation for the Syn	- Record	gesha Kelkay	8
Injury Did Not Occur in the Course of Claimant's Employr Parking Lot Exception to the Going and Coming Rule Did Apply – Injury Occurred on a Public Road, Not an Employ Controlled Area – Cope, Adamson, Thompson Cited	Not	vn Wiley	9
EVIDENCE			
Unnecessary to Resolve Whether Claimant (a Licensed Medical Expert in Her Own Because it Was Unlikely to Affect the Outcome of the Castif Considered	Case	ny Deyo-Bundy	12

0.11	01.	40 NIONI I
Subject	Claimant	42 NCN Issue
EXTENT		
Claimant Proved Entitlement to "Class 1" Brain Impairme Medical Arbiter Persuasive	nt - Robert Ch	nase 1
Claimant Entitled to Full Measure of Impairment without Apportionment - Impairment Due in Material Part to the Compensable Injury	Joseph A.	Clark 6
Claimant Not Entitled to Permanent Impairment Award – Arbiter's Findings Were Invalid and Not Due to the Comp Injury		Marholin 8
HEARING PROCEDURE		
Record Established "Good Cause" for Untimely Filed Hea Request; Compensable Injury: Denial Set Aside	aring Michael T	. Jones 8
<u>JURISDICTION</u>		
Board Lacks Jurisdiction Over Request for Hearing Seek Penalties Related to IMEs Under ORS 656.325(6) Where Claimant Did Not First Seek Relief from WCD; No "Matte Concerning a Claim" Presented)	obs 1
MEDICAL CAUSATION		
On Remand, Given Findings by the Court Regarding Atternoon Physician's Opinion, Board Finds Existence and Causation L5-S1 Disc Condition Established	-	1. Sullivan 4
MEDICAL OPINION		
Occupational Disease for Bilateral Foot Conditions Compensable; Contrary Opinion Not Based on Complete or Sufficiently Explained	Michael L History	uce Sr. 1
MEDICAL SERVICES		
Treatments (Directed at Denied Conditions) Not (Materia Causally Related on the Merits of the Medical Evidence; Concurrence Distinguishes Garcia-Solis	lly) Isa Dean	4
Record Established that Disputed Medical Services Were Chronic Pain Condition Caused in Material Part by the W Injury. Attorney Fees: ".386(1)" Fee Contingent on Final Prevailing at the Department	ork	aniels 6
Record Did Not Establish Sufficient Causal Relationship Disputed Medical Services and Work Injury Because Med Treatment was Directed to Denied Condition and Not "For Previously Accepted Conditions – 656.245(1)(a)	dical	merville 12

Subject	Claimant	42 NCN Issue
MENTAL DISORDER		
Denial Set Aside, Persuasive Opinion Properly Weighed Excluded Work-Related Factors Against All Other Factors Attorney Fee: \$35,000 Award at Hearing Upheld as Reas	s;	ine 3
PTSD and Major Depression Not Compensable – Physici Opinion Did Not Adequately Weigh Excluded/Nonexclude Factors Identified by Contrary Opinion		/er 5
NEW/OMITTED CONDITION		
Record Established Existence of Claimed Condition and Work Incident Was a Material Contributing Cause of Disa Need for Treatment - "005(7)(a)," "266(1)"	J	ffith 11
OCCUPATIONAL DISEASE		
Presumption of Compensability in ORS 656.802(7) Did N – Record Did Not Establish That Diagnostic Criteria for P Was Satisfied by a Preponderance of the Evidence From Psychiatrist or Psychologist – Record Also Did Not Estab Claimed PTSD Arose Out of and in the Course of Employ Clear and Convincing Evidence Under ORS 656.802(3) – 656.802(3), (7) Cited	TSD a lish That ment by	icz 9
Claim was Properly Analyzed as an Injury - Record Supp Conclusion that Combined Neck Condition Arose Sudden Work Event		nentel-Hurtado 11
OWN MOTION		_
Own Motion Notice Closure Not Premature - No Further Minprovement in the Accepted Condition (or "Direct Medic Sequela") Would Reasonably be Expected from Medical Treatment or the Passage of Time		. Whitner 2
Own Motion Notice of Closure Set Aside as Premature – Physician Had Not Examined Claimant and Applied Incor "Medically Stationary" Standard	Adam F. Bru rect	uce 2
"Hearing Referral" Request Denied – No "Credibility" Disp Record Concerning Claimant's "PTD" Request Not Insuffi Developed - "Worsened Condition" Claim – No Entitlement PTD Benefits	ciently	. Whitner 3
"Worsened" Condition – Claimant Not In "Work Force" – N "Presumption" of "Work Force" Existed; No "TTD" Entitlent Until Claim Reopened; Penalty/Fee – Untimely "Recommendation", But Without Reopening Penalty/Fee Awardable	nent	Millspaugh 3

Subject	Claimant	42 NCN Is	sue
Board Refers Case to Hearings Division to Determine Who Form 827/Aggravation Claim was Filed	en Phillip A	A. Case, II	6
Notice of Closure Set Aside as Invalid Where Carrier's Wa Letter Did Not Copy Attending Physician	rning Christop	oher A. Rouse	6
PPD – "Varus Deformity" – No Impairment Value for "2 De Deformity Under "035-0230(4)(a)" – But "5 Percent" Impair Value for "Grade IV Chondromalacia" & "Varus Deformity" (Even if Less Than 15 Degrees) Under "035-0230(11)(b)"		D. Smith	8
Premature Closure – Claimant's "Worsened Condition" Was Medically Stationary at Claim Closure – No Specific "Closi Exam" Requirement, Provided That Claimant's Medically Stationary Status Addressed – Carrier Must Attempt to Ob "AP" Impairment Findings for New or Omitted Medical Cor – ORS 656.005(17), OAR 438-012-0055, Wilson, Rickerd-Puckett, Leffler, Christeson Cited	ng tain ndition	Jara	9
No Permanent Total Disability Award - "AP" Opinion Did N Persuasively Distinguish Between Disability That Could Be Considered From Disability That Could Not Be Considered Penalty and Related Fees Awarded - Carrier's Two-Month in Submitting "WRE" Report to "AP" Before Claim Closure Unreasonable – Carrier's Untimely Record Submission an Response to Board Requests Were Unreasonable	e d; Delay Was	Corona-Gambino	12
ON REMAND			
Motion to Remand under ORS 656.295(5) Denied – Must and Request Change of ALJ at Hearings Level. Medical Causation – ALJ Free to Evaluate Evidence Regardless of Specific Arguments	•	E. Vilca-Inga	2
Claimant Requested Review of ALJ Approval of a DCS, Be Record of Circumstances Surrounding the Settlement	ut No Helio Be	edolla-Huerta	5
PERMANENT IMPAIRMENT			
Appellate Review Unit's Plausible Interpretation of WCD's OAR 436-035-0019(1), Entitled to Deference - Entitlement "Chronic Condition" Value Based on Restriction From Usir Body Part For More Than Two-Thirds of a Period of Time "Chronic Condition" Value Not Awarded	to ng a	Spurgeon	12
TEMPORARY DISABILITY			
Additional TPD Based on Authorization Related to Condition Related to Series of Injuries Later Accepted as Occupation Disease; TPD Rate Not Zero - Claimant Overcame Presur that Wages Were Same or Higher Than At Injury	nal	G. Simi	5

Subject	Claimant	42 NCN Issue
Record Established That Claimant was Terminated for Vic of Work Rules Under ORS 656.325(5)(b)	olation Tracy Gay	8
Attending Physician Did Not Authorize Retroactive Tempor Disability Benefits - Authorization Not Contemporaneous of Disputed Period - Constitutional Law: ORS 656.245(2)(b)(and ORS 656.262(4)(g) Did Not Violate Remedies Clause Privileges and Immunities Clause, Separation of Powers Doctrine, Due Process Clause, or Equal Protection Clause Claimant Did Not Have Right to Jury Trial Concerning Ent to Additional Temporary Disability Benefits	with (D)(ii) e, e -	10
Claimant Was Entitled to Additional Temporary Disability In Because he Was Enrolled and Actively Engaged in Author Training Program After Notice of Closure Issued - "268(10" "340(12)," "030-0036(2)"	rized	er 11
THIRD PARTY		
Carrier Was a "Paying Agency" Under ORS 656.576 Ever CDA and Current Condition Denial – Carrier Still "Respontor Paying Benefits		ichols 7
WORKER REQUESTED MEDICAL		
EXAMINATION		
Carrier's Denials Not "Based On" IME – Record Reviews Preceded Denials and Only IME Performed Post-Denial – Statutory Exception for Covid -19 Pandemic - Requiremer ORS 656.325(1)(e) Not Met		nowlden 9