
In the Matter of the Compensation of
ANNA L. MIHOK, Claimant
WCB Case No. 01-03824
ORDER ON REVIEW
S David Eves PC, Claimant Attorneys
Alice M Bartelt, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Biehl, Bock, and Phillips Polich.¹

Claimant requests review of Administrative Law Judge (ALJ) McWilliams' order that upheld the SAIF Corporation's denial of her occupational disease claim for bilateral hand conditions. On review, the issue is compensability.

We adopt and affirm the ALJ's order with the following supplementation.

In November 2000, claimant began to experience pain in both hands. (Ex. 1). The problems continued over the next few months, and eventually, claimant filed a claim for her bilateral hand conditions. (Ex. 2; 3).

SAIF denied the claim. (Ex. 10). Claimant requested a hearing.

The ALJ determined that Dr. Vela's opinion (attending physician) was the only expert opinion in the record arguably supporting compensability. The ALJ found that Dr. Vela did not attribute claimant's right hand condition to her work activities. With regard to claimant's left hand condition, the ALJ found that Dr. Vela's causation opinion was not persuasive. Consequently, the ALJ concluded that claimant had failed to establish the compensability of her bilateral hand conditions.

Claimant seeks to establish the compensability of her bilateral hand conditions, as an occupational disease. Therefore, she must prove that her work activities were the major contributing cause of the disease, not just the major contributing cause of the disability or treatment associated with it. ORS 656.802(2)(a). To satisfy the "major contributing cause" standard, claimant must establish that her work activities contributed more to the claimed conditions than all other factors combined. *See, e.g., McGarrah v. SAIF*, 296 Or 145, 146 (1983).

¹ After consultation with the Department of Justice, this Board has chosen to exercise its right to issue orders as a panel of three pursuant to ORS 656.718(2) and (3).

A determination of the major contributing cause involves the evaluation of the relative contribution of different causes of claimant's disease and deciding which is the primary cause. *See Dietz v. Ramuda*, 130 Or App 397 (1994), *rev dismissed* 320 Or 416 (1995). Because of possible alternative causes for her bilateral hand conditions, resolution of this matter is a complex medical question that must be resolved by expert medical opinion. *See Uris v. Compensation Department*, 247 Or 420 (1967).

Here, the only expert offering a causation opinion was Dr. Vela.² With regard to claimant's right hand complaints, Dr. Vela attributed that condition to a tear of the right triangular fibrocartilage that he expressly opined was not related to claimant's work. (Ex. 15). Consequently, the medical record does not support a conclusion that claimant's right hand condition is compensable.

With regard to claimant's left hand condition, Dr. Vela initially stated he was "unsure" why claimant had multiple complaints. (Ex. 7). Later, Dr. Vela opined that claimant's work activities were the major contributing cause of her left hand condition. (Ex. 15). However, in stating his opinion, he offered no explanation of his reasoning in arriving at that conclusion. Consequently, we find Dr. Vela's opinion conclusory, and as such, not persuasive. *See Blakely v. SAIF*, 89 Or App 653, 656, *rev den* 305 Or 972 (1988) (physician's opinion lacked persuasive force because it was unexplained). Accordingly, the medical record does not support a conclusion that claimant's left hand condition is compensable.

ORDER

The ALJ's order dated September 12, 2001 is affirmed.

Entered at Salem, Oregon on April 12, 2002

² Dr. Neumann examined claimant at SAIF's request, but did not offer a causation opinion for either the left or right hand condition. (Exs. 6; 9).