

In the Matter of the Compensation of  
**RANDOLPH T. PRIEST, Claimant**

WCB Case No. 01-05086

ORDER ON REVIEW

Daniel J Sato, Claimant Attorneys

James B Northrop, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Phillips Polich and Lowell.

Claimant requests review of Administrative Law Judge (ALJ) Menashe's order that upheld the SAIF Corporation's partial denial of claimant's injury claim for current L4-5 and L5-S1 disc conditions. On review, the issue is compensability.

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

SAIF accepted claimant's injury claim for a lumbar strain and later amended its acceptance to include claimant's L3-4 disc condition. Claimant requested acceptance of claimant's "current L4-5 and L5-S1 disc herniations diagnosed as L4-5 left paracentral bulge and L5-S1 left paracentral bulge as well as degenerative spondylosis." SAIF issued a denial of those conditions and claimant requested a hearing.

The ALJ upheld SAIF's denial, concluding that claimant failed to prove that his compensable April 5, 2000 injury was the direct cause of the L4-5 and L5-S1 disc conditions or that the injury was the major contributing cause of claimant's need for treatment for a combined condition. The ALJ reasoned that Dr. Belza's opinion supporting the claim was inadequately reasoned to carry claimant's burden. We agree.

The parties agree that the issue at hearing and on review is the compensability of claimant's L4-5 and L5-S1 conditions.<sup>1</sup> The record establishes that claimant's L4-5 and L5-S1 conditions are combined conditions involving preexisting lumbar disc disease. Therefore, to prove his claim for these conditions, claimant must show that his work injury is the major contributing cause of his

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<sup>1</sup> In other words, the "current condition" denial pertains solely to claimant's L4-5 and L5-S1 conditions. Thus, claimant's accepted lumbar strain and L3-4 conditions are not disputed and remain compensable.

disability and/or need for treatment for the combined conditions. *See* ORS 656.005(7)(a)(B).

We agree with the ALJ that Dr. Belza's causation opinion is insufficient to establish that claimant's April 5, 2000 work injury was the major contributing cause of his "combined" L4-5 and L5-S1 disc conditions. Consequently, we also agree that SAIF's partial denial of those conditions should be upheld.

#### ORDER

The ALJ's order dated November 5, 2001, upholding the SAIF Corporation's partial denial of claimant's L4-5 and L5-S1 disc conditions, is affirmed.

Entered at Salem, Oregon on August 14, 2002