
In the Matter of the Compensation of
RANDY S. MURRAY, Claimant
WCB Case No. 06-06579
ORDER ON REVIEW
Edward J Hill, Claimant Attorneys
Andersen & Nyburg, Defense Attorneys

Reviewing Panel: Members Biehl and Langer.

Claimant requests review of Administrative Law Judge (ALJ) Fisher's order that upheld the insurer's denial of claimant's occupational disease claim for a hernia condition. On review, the issue is compensability.

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

In the first full sentence on page 4, the phrase "Based on that explanation, there are two known competing causes" is replaced with: "On this record, at least two potential causes have been identified."

In addition, because Dr. Cook did not refute Dr. Duncan's opinion that coughing could have caused claimant's hernia, we find Dr. Cook's opinion inadequately explained on this record. *See Louise Richards, 57 Van Natta 80, 81 (2005) (failure to rebut a contrary opinion rendered physician's opinion unpersuasive).*

ORDER

The ALJ's order dated January 28, 2008 is affirmed.

Entered at Salem, Oregon on October 28, 2008