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In the Matter of the Compensation of  
**KODJO ANANOUKO, Claimant**  
WCB Case No. 10-00999  
**ORDER ON RECONSIDERATION**  
Dodge & Uren LLC, Claimant Attorneys  
Law Office of Thomas A Andersen, Defense Attorneys

Reviewing Panel: Members Lowell and Biehl.

On July 27, 2012, we affirmed an Administrative Law Judge's (ALJ's) order that upheld the insurer's denial of claimant's injury claim for a low back condition. Asserting that his employer's witnesses did not deny that a work incident had occurred (but rather that the details concerning the exact mechanism of his injury became muddled due to his linguistic difficulties), claimant seeks reconsideration of our decision.

The essence of claimant's contentions has already been thoroughly considered in reaching our previous decision. In other words, notwithstanding claimant's linguistic difficulties and inconsistent medical histories, for the reasons recounted in the ALJ's order, claimant's version of events is simply insufficient to establish that he sustained a work injury that was a material contributing cause of his need for treatment or disability for his low back condition.<sup>1</sup> *See* ORS 656.005(7)(a). Consequently, claimant has not established the compensability of his injury claim. ORS 656.266(1).

Accordingly, we withdraw our July 27 order. On reconsideration, as supplemented, we republish our July 27 order. The parties' rights of appeal shall begin to run from the date of this order.

**IT IS SO ORDERED.**

Entered at Salem, Oregon on August 27, 2012

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<sup>1</sup> Citing ORS 413.552, claimant contends that we neglected to give his linguistic difficulties due consideration. Because he did not present this particular theory until his reconsideration request, we are not inclined to address it. *Vogel v. Liberty Northwest*, 132 Or App 7, 13 (1994). In any event, as we have previously explained, claimant's linguistic problems have been fully considered during our review of this record.