
In the Matter of the Compensation of
TERRY TAYLOR, Claimant
WCB Case No. 11-02436
ORDER ON REVIEW
Unrepresented Claimant
Holmes Weddle & Barcott PC, Claimant Attorneys

Reviewing Panel: Members Biehl and Lowell.

Claimant, *pro se*,¹ requests review of Administrative Law Judge (ALJ) Sencer's order that upheld the insurer's denial of his injury claim for a C4-5 disc herniation with cervical radiculopathy.² On review, the issue is compensability.³

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

The ALJ determined that claimant's testimony was not credible in several respects and that the opinion of Dr. Adler, his surgeon, was based on an incomplete and inaccurate understanding of the material facts. When the issue of credibility concerns the substance of a witness's testimony, we are equally qualified to make our own determination of credibility. *Coastal Farm Supply v. Hultberg*, 84 Or

¹ Because claimant is no longer represented, he may wish to consult the Workers' Compensation Ombudsman. He may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS' COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
PO BOX 14480
SALEM, OR 97309-0405

² The insurer denied the claim for an injury to claimant's "neck, upper back, left shoulder, left arm and hand" and referred to his condition of "left cervical radiculopathy with pain and paresthesias in the distal left brachial plexus, upper extremity; left paracervical posterior rotator cuff strain, spasm[.]" (Ex. 15). At hearing, claimant's former attorney clarified that the issue was the C4-5 disc herniation with cervical radiculopathy. (Tr. I-3; II-8).

³ Claimant requests a new hearing, raising concerns regarding his former attorney's representation. We may remand to the ALJ if we find that the case has been "improperly, incompletely or otherwise insufficiently developed." ORS 656.295(5).

Here, claimant's assertions regarding his former attorney's representation do not establish that the case has been "improperly, incompletely or otherwise insufficiently developed," pursuant to ORS 656.295(5). Consequently, remand is not warranted. Instead, claimant's contentions are a matter between him and his former attorney.

App 282 (1987). On *de novo* review, after considering claimant's contentions, we agree with the ALJ's credibility assessment and conclude that claimant has not sustained his burden of proving compensability.

ORDER

The ALJ's order dated February 10, 2012 is affirmed.

Entered at Salem, Oregon on August 14, 2012