
In the Matter of the Compensation of
ANNA M. ESPELAND, Claimant
WCB Case No. 10-04488, 10-00991
ORDER ON REVIEW
Colin R Hackett, Claimant Attorneys
Bruce A Bornholdt, SAIF Legal, Defense Attorneys
Scheminske et al, Defense Attorneys

Reviewing Panel: Members Weddell and Langer.

Claimant requests review of those portions of Administrative Law Judge (ALJ) Pardington's order that: (1) upheld the SAIF Corporation's denial of claimant's aggravation claim for her lumbar strain condition; and (2) upheld the self-insured employer's denial of claimant's "October 2009" injury claim for a low back condition. On review, the issues are aggravation, compensability, and, potentially, responsibility.

We adopt and affirm the ALJ's order, except for the final sentence of the fourth full paragraph on page 9.¹

ORDER

The ALJ's order dated September 9, 2011 is affirmed.

Entered at Salem, Oregon on May 15, 2012

¹ We also agree with the ALJ's reliance on *Roberts v. SAIF*, 18 Or App 590, 593 (1974), for the principle that a claimant's failure to call a witness who allegedly could have corroborated his testimony is construed against him. See *Cassandra R. Cortez*, 61 Van Natta 1791, 1795 (2009); *Gloria A. Vaneekhoven*, 47 Van Natta 670, 671-72 (1994).