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In the Matter of the Compensation of  
**DAVID F. BANASH, Claimant**  
WCB Case No. 13-03631  
ORDER ON REVIEW  
Unrepresented Claimant  
James B Northrop, SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Weddell and Lowell.

Claimant, *pro se*,<sup>1</sup> requests review of Administrative Law Judge (ALJ) Fisher's order that: (1) found that the employer did not have knowledge of a work-related injury within 90 days of the work incident; (2) found that claimant had not established good cause for an untimely filed claim; and (3) upheld the SAIF Corporation's denial of his injury claim for a left arm condition.<sup>2</sup> In his brief, claimant refers to a police report, text messages, and other documents that were not in the hearing record. We interpret this as a motion to remand for the taking of additional evidence. *Judy Britton*, 37 Van Natta 1262 (1985). On review, the issues are remand, claim filing, good cause, and, potentially, compensability.

We deny claimant's motion for remand and adopt and affirm the ALJ's order with the following change and supplementation.<sup>3</sup> In the third full paragraph on page 2, we change the date in the first sentence to "June 10, 2013."

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<sup>1</sup> Because claimant is apparently no longer represented, he may wish to consult the Workers' Compensation Ombudsman, whose job it is to assist injured workers. He may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES  
OMBUDSMAN FOR INJURED WORKERS  
350 WINTER ST. SE  
SALEM, OR 97301-3878

<sup>2</sup> Claimant's brief refers to injuries to his "arm and eye," but only the left arm claim was litigated at hearing. Consequently, the only issue before us concerns the left arm injury.

<sup>3</sup> In his brief, claimant raises issues regarding the employer's alleged actions that pertain to unemployment and other benefits. However, we are not the proper forum for addressing such matters. Therefore, we decline to go beyond the confines of Chapter 656 concerning a workers' compensation claim to address the propriety of other employment or labor disputes. See *Loleatha Montague*, 59 Van Natta 1725, 1726 n 2 (2007).

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Our review is limited to the record developed by the ALJ. We may remand to the ALJ if we find that the case has been “improperly, incompletely or otherwise insufficiently developed.” ORS 656.295(5). There must be a compelling reason for remand to the ALJ for the taking of additional evidence. *SAIF v. Avery*, 167 Or App 327, 333 (2000). A compelling reason exists when the new evidence: (1) concerns disability; (2) was not obtainable with due diligence at the time of the hearing; and (3) is reasonably likely to affect the outcome of the case. *Id.*; see *Compton v. Weyerhaeuser Co.*, 301 Or 641, 646 (1986).

We are not persuaded that the documents claimant refers to in his brief were not obtainable with due diligence at the time of hearing or that they pertain to disability or would be reasonably likely to affect the outcome of the case. Accordingly, we decline to remand the case to the ALJ for further proceedings. To the extent that claimant’s brief refers to materials that were not admitted as evidence, those portions of his arguments have not been considered. See *Julie Hart*, 61 Van Natta 1016, 1017 (2009).

#### ORDER

The ALJ’s order dated October 24, 2013 is affirmed.

Entered at Salem, Oregon on March 26, 2014