
In the Matter of the Compensation of
BRANDON J. MOYE, Claimant
WCB Case No. 14-02895
ORDER ON REVIEW
Unrepresented Claimant
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Johnson and Lanning.

Claimant, *pro se*, requests review of Administration Law Judge (ALJ) Jacobson's order that: (1) upheld the self-insured employer's *de facto* denial of claimant's new/omitted medical condition claims for thoracic outlet syndrome, sciatic nerve damage, partial fusion of the SI joint, left leg tendon tear, and right leg/foot pain and numbness; and (2) declined to award additional temporary disability benefits. On review, the issues are compensability and temporary disability.

We adopt the ALJ's order with the following supplementation.¹

In upholding the insurer's *de facto* denial of claimant's new/omitted medical condition claims, the ALJ found that, as a matter of law, the compensability of claimant's right leg/foot pain and numbness and torn left leg tendons had previously been litigated and, therefore, his new/omitted medical condition claim for those conditions was precluded. The ALJ also found the claims for sciatic nerve damage and partial fusion of the SI joint not compensable. In doing so, the ALJ reasoned that, evening assuming the conditions existed, no medical evidence established that the July 2010 injury was at least a material contributing cause of claimant's need for treatment or disability. Finally, the ALJ found that claimant entered into a Claim Disposition Agreement (CDA), which included a full release of any temporary disability benefits. As a result, the ALJ reasoned that claimant had no further right to temporary disability benefits related to his claim.

¹ Inasmuch as claimant is unrepresented, he may wish to consult the Ombudsman for Injured Workers. He may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES
OMBUDSMAN FOR INJURED WORKERS
PO BOX 14480
SALEM OR 97309-0405

On review, claimant disagrees with the ALJ's order, asserting that the processing of his injury claim constitutes a "hate crime." We acknowledge claimant's asserted complaints. Yet, our statutory authority is limited to determining whether his claimed conditions are compensable and whether claimant is statutorily entitled to additional temporary disability benefits.

For the reasons expressed by the ALJ, we agree that the claimed conditions are not compensable; *i.e.*, that they are precluded either because of previous litigation or because the physicians' opinions do not persuasively establish that the conditions are causally related to his July 2010 work injury.

Likewise, for the reasons expressed in the ALJ's order, claimant is not entitled to temporary disability benefits. Based on the previously approved CDA, his rights to such benefits have been fully released. (Exs. 43, 45). *See* ORS 656.236.

Accordingly, based on the above reasoning, as well as that provided by the ALJ, we affirm.

ORDER

The ALJ's order dated December 4, 2014 is affirmed.

Entered at Salem, Oregon on April 14, 2015