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In the Matter of the Compensation of  
**JUSTIN J. DONNELLY, Claimant**  
WCB Case No. 13-03708  
ORDER ON REVIEW  
Unrepresented Claimant  
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Johnson and Weddell.

Claimant, *pro se*, requests review of Administrative Law Judge (ALJ) Otto's order that upheld the self-insured employer's denial of his low back injury claim. In his appellant's brief, claimant requests remand to the ALJ for further development of the record to include the admission of documents submitted for the first time on review.<sup>1</sup> On review, the issues are remand, timelines of claim filing, and compensability.

We adopt and affirm the ALJ's order with the following supplementation regarding claimant's request for remand.

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 at the time of the hearing; and (3) is reasonably likely to affect the outcome of the case. *Id.*; *Compton v. Weyerhaeuser Co.*, 301 Or 641, 646 (1986). For the following reasons, we deny the motion to remand.

Here, we are not persuaded that the evidence claimant has submitted was not obtainable with due diligence at the time of hearing or that the documents would be reasonably likely to affect the outcome of the case. Accordingly, we decline to

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<sup>1</sup> Although represented at the hearing, claimant is not currently represented. He may wish to consult the Ombudsman for Injured Workers, whose job it is to assist 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

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 June 24, 2014 is affirmed.

Entered at Salem, Oregon on February 25, 2015