
In the Matter of the Compensation of
WCB Case No. 14-03916
MARGARET J. STEINKAMP, Claimant
AMENDED ORDER ON REVIEW
Alvey Law Group, Claimant Attorneys
SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Curey and Weddell.

On February 8, 2016, we affirmed an Administrative Law Judge's (ALJ's) order that upheld the SAIF Corporation's denial of claimant's aggravation claim for left knee conditions. In reaching our conclusion, among other determinations, we were not persuaded that claimant's accepted left knee conditions (an abrasion and contusion) had "pathologically" worsened since the last award/ arrangement of compensation. After further considering the matter, we provide the following supplementation to our reasoning.

To establish a compensable aggravation claim, the record must establish an "actual worsening" of claimant's accepted condition since the last award or arrangement of compensation. *See* ORS 656.273(1); *Nacoste v. Halton Co.*, 275 Or App 600, 607 (2015). An "actual worsening" may be established by direct proof of a pathological worsening or through a physician's inference of such a worsening based on increased symptoms. *SAIF v. Walker*, 330 Or 102, 118-19 (2000); *SAIF v. January*, 166 Or App 620, 624 (2000).

Here, for the reasons expressed in our prior order, the record does not satisfy the aforementioned statutory standard. In other words, because neither of claimant's accepted left knee conditions has "actually worsened," her aggravation claim is not compensable.

Accordingly, our February 8 order is withdrawn. As amended, we republish our February 8 order. The parties' 30-day appeal rights shall begin to run from the date of this order.

IT IS SO ORDERED.

Entered at Salem, Oregon on February 12, 2016