

Subject	Claimant	42 NCN Issue
APPELLATE PROCEDURE		
Board Review Request Dismissed – Jurisdiction Continue Rest With ALJ – Further ALJ Action Required to Finally D of Claim and Fix Amount of Compensation – <i>Price, Linda</i> <i>Norris</i> Cited)ispose	. Mendoza 9
Board Declined to Take Administrative Notice of Oregon Board Opinion Not Included in Hearing Record – Board C Claimant's Motion to Strike Portions of the Employee's Bu Referenced Medical Board Opinion	Granted	vin 10
ATTORNEY FEE		
ORS 656.386(1) Fee Awardable for Overcoming Subjecti Denial	ivity Immer Guti	errez 3
No ORS 656.383 Fee Awardable Where Order on Reconsideration Found Claim Prematurely Closed But Di Award or Address Temporary Disability Benefits	Brandon E. id Not	Lamb 3
On remand, Board Declines to Apply "Peabody" Analysis Determines a Reasonable Fee Based on Factors, Considerate that Claimant Prevailed on One of Many Issues		'. Interiano 4
Responsibility Fee Properly Awarded under ".307(5)" Rat ".308(2)(d)" Due to Issuance of ".307" Order by the Direct		eigler 5
Applying " <i>Peabody</i> " Analysis, Board Awards \$7,000 for Son Review Under ORS 656.382(3) - Fees Under that Stateligible for "Bifurcation"		a 7
CDA		
"Pre-closure" Agreement to Pay Under \$2,500 to Pro Se Claimant, Where Information Revealed Several Areas of that were Potentially Awardable, Held Unreasonable As a of Law under ORS 656.236(1)(a)(A).		Owens 3
"CEASES" DENIAL		
Employer Did Not Persuasively Meet its Burden of Provin "Change" in Combined Knee Condition Since Acceptance		ington 6
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"Ceases" Denial Upheld - Carrier Met Burden to Establish Change in Claimant's Condition or Circumstances	n Mark S. Mo	ooney 10
Record Established that Previously Accepted Cervical Str Combined with Cervical Osteoarthritis to Cause or Prolon Disability or Need for Treatment - Carrier Did Not Meet B Under ORS 656.266(2) - "266(2)"	g	nentel-Hurtado 11
COMPENSABILITY		
Claimant Met Initial "Material Cause" Burden; Contrary Of Primarily Focused on Whether Claimant Had Findings The Established a Particular Diagnosis; Carrier Did Not Meet Burden Under ORS 656.266(2)(a) Due to Inadequate "We	at Further	ller 1
New/Omitted Medical Condition Did Not Require Medical Services, Denial Upheld	Cecilia Avil	a-Morales 3
Physician's Opinion Based On Unreliable and Inconsister Claimant Statements, Therefore Unpersuasive	nt Diane Cort	-Wagner 5
Right Knee Chondral Defect Established, Arthritis Was Compensable Consequence of the Chondral Defect	Brian E. Mo	oore 6
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Right Knee Chondral Defect Established, Arthritis Was Compensable Consequence of the Chondral Defect	Brian E. Mo	oore 6
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Injury Did Not Occur in the Course of Claimant's Employr Parking Lot Exception to the Going and Coming Rule Did Apply – Injury Occurred on a Public Road, Not an Employ Controlled Area – <i>Cope, Adamson, Thompson</i> Cited	Not	ey 9
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Unnecessary to Resolve Whether Claimant (a Licensed Method Physician) Could Testify as a Medical Expert in Her Own Because it Was Unlikely to Affect the Outcome of the Castif Considered	Case	yo-Bundy 12

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On Remand, Given Findings by the Court Regarding Atternoon Physician's Opinion, Board Finds Existence and Causatic L5-S1 Disc Condition Established		I. Sullivan 4
MEDICAL OPINION		
Occupational Disease for Bilateral Foot Conditions Compensable; Contrary Opinion Not Based on Complete or Sufficiently Explained	Michael Lu History	uce Sr. 1
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ON REMAND			
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Claimant Requested Review of ALJ Approval of a DCS, Record of Circumstances Surrounding the Settlement	But No Helio Bedo	olla-Huerta 5	
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Appellate Review Unit's Plausible Interpretation of WCD' OAR 436-035-0019(1), Entitled to Deference - Entitlement "Chronic Condition" Value Based on Restriction From Use Body Part For More Than Two-Thirds of a Period of Time "Chronic Condition" Value Not Awarded	nt to sing a	ourgeon 12	2
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Attending Physician Did Not Authorize Retroactive Tempolisability Benefits - Authorization Not Contemporaneous Disputed Period - Constitutional Law: ORS 656.245(2)(bland ORS 656.262(4)(g) Did Not Violate Remedies Clause Privileges and Immunities Clause, Separation of Powers Doctrine, Due Process Clause, or Equal Protection Clause Claimant Did Not Have Right to Jury Trial Concerning Ento Additional Temporary Disability Benefits	with)(D)(ii) se, se -	10
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