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## BOARD NEWS

### Board Meeting – December 18, 2025

The Members have scheduled a public meeting for December 18, 2025, at 10:30 a.m., which will be held in Hearing Room A at the Workers' Compensation Board's (WCB) Salem office (2601 25th St. SE, Ste. 150).

The agenda for the Board meeting will be:

- Consideration of five-year rule review report and comments regarding OAR 438-015-0125 "Bifurcation of Attorney Fee Award (Board Review)" under ORS 183.405
- Possible adoption of proposed rule amendments to OAR 438-022 "Rulemaking Procedures"
- Possible adoption of proposed rule amendments to OAR 438-015-0019 "Cost Bill Procedures; Assessed Attorney Fees When the Claimant Prevails in a Cost Bill Dispute"

A [formal announcement](https://service.govdelivery.com/accounts/ORDCBS/subscriber/new) regarding this Board meeting has been electronically distributed to those individuals, entities, and organizations who have registered for these notifications at <https://service.govdelivery.com/accounts/ORDCBS/subscriber/new>.

### Board and Rulemaking Meeting Schedule

The Board has posted a [calendar](#) of future meeting dates on its website. The Board will share scheduled meetings and rulemaking events here. While it makes every effort to post up-to-date information, dates are subject to change.

## CASE NOTES

### EVIDENCE: No Abuse of Discretion to Admit Expert Reports Lacking Medical Qualifications Where Not Relied On For Medical Causation

*Brian O. Jolie*, 77 Van Natta 615 (November 18, 2025). Applying ORS 656.283(6), the Board found that there was no abuse of discretion in the ALJ's decision to admit an expert's reports into the record. In reaching that conclusion, the Board explained that the ALJ considered claimant's statements recorded in the expert's notes for impeachment purposes, but did not rely on the expert's medical diagnoses or opinions in evaluating medical causation because the expert's medical qualifications were not established. The Board concluded that the ALJ's evidentiary ruling was within the bounds of the ALJ's authority.

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## MENTAL DISORDER: Record Established ORS 656.802(7)(b) Presumption of Compensability

*Sean Magnuson*, 77 Van Natta 609 (November 18, 2025). Applying ORS 656.802(7)(b), the Board held that the claimant's occupational disease claim for post-traumatic stress disorder (PTSD) was compensable. In reaching that conclusion, the Board found that the claimant had established the rebuttable presumption of compensability under ORS 656.802(7)(b) because the record established by a preponderance of persuasive medical evidence from a psychologist that the claimant more likely than not satisfied the DSM-5 diagnostic criteria for PTSD. Accordingly, the Board set aside the carrier's denial.

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## APPELLATE DECISIONS

There were no Board-related decisions from the court for November.