



# News & Case Notes

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## BOARD NEWS

### Workers' Compensation Scam

The Department of Consumer and Business Services issued a [press release](#) warning of a potential scam targeting Spanish-speaking injured workers. Workers are contacted by phone, email, social media, or video calls. The scammers try to convince the worker to appear at an online workers' compensation hearing, and at times, this results in an official-appearing order in their favor. Thereafter, they are told they must pay money to receive the workers' compensation benefits or the settlement for their claim. These communications may appear official and the hearings may include a fake judge, attorney, or government representative.

If you believe a scammer has contacted you or someone you know:

- Report the incident to local law enforcement
- Report any scams, fraud, or suspicious business activity to the Oregon Department of Justice's fraud hotline at 1-877-877-9392 (toll-free)
- Report the scam to the [Oregon Department of Justice](#) and the [Ombuds Office for Oregon Workers](#)

### Hearings Division Reminder: Document Submissions

The Hearings Division would like to remind parties to please send any exhibits, correspondence, or other documents to the assigned administrative law judge's (ALJ) home office, not the hearing location. All ALJs are based in the Portland and Salem offices, so mail should not be sent to other locations, including Eugene and Medford. ALJ home office information is listed on the upper right-hand side of the hearing notice.

### Attorney Fee Report: 2024

The Workers' Compensation Board (WCB) has published its [report](#) for attorney fees awarded or approved by WCB during calendar year 2024 to its [website](#).

### Assistant Managing Attorney Recruitments

WCB is excited to announce that it will fill two Assistant Managing Attorney (Legal Dispute and Resolution Manager 3) positions in its Board Review Division. The recruitment will close February 25, 2026.

The Assistant Managing Attorney will be responsible for planning, directing, organizing, and managing the work of the Board Review Division's staff attorneys and paralegal staff, including work regarding cases before the Board

on review from the Hearings Division, the Board's Own Motion jurisdiction program, transcription, settlement, and file processing.

A complete listing of duties and responsibilities can be found on [Workday](#). Current State of Oregon employees must apply through their Workday account. Questions regarding the position may be directed to Recruitment Specialist [Tina Brown](#).

## CASE NOTES

### NEW OR OMITTED CONDITION: Record Lacked Persuasive Medical Opinion

*Cynthia Reynolds*, 78 Van Natta 56 (January 28, 2026). Applying ORS 656.225 and the legal standard articulated in *Barnes v. Cache Valley Elec.*, 339 Or App 371, 374-75 (2025), the Board held that the record did not establish the compensability of the claimant's new or omitted medical condition claim for preexisting conditions. The Board explained that the record lacked a persuasive expert medical opinion establishing that the work injury was the major contributing cause of the preexisting conditions. Accordingly, the Board upheld the denial.

One member dissented. Citing *Arms v. SAIF*, 268 Or App 761 (2015), and *Salvador S. Santillan*, 70 Van Natta 562 (2018), the member stated that ORS 656.225 is reserved for medical services cases. Referencing *Phillip Valentine*, 70 Van Natta 529 (2018), and *Edward K. Merriweather*, the member explained that a material contributing cause standard applied and that the record established compensability under that standard.

### ATTORNEY FEE: Attorney Fee Awardable After Carrier Withdrew Its Request For Hearing

*April R. White*, 78 Van Natta 49 (January 26, 2026). Applying ORS 656.382(2) and *Arvidson v. Liberty Northwest Ins. Corp.*, 366 Or 693 (2020), the Board held that the claimant's attorney was entitled to an attorney fee award when the carrier withdrew its request for hearing challenging a reconsideration order and the administrative law judge (ALJ) dismissed the request. The Board explained that in *Arvidson*, the court concluded that an attorney fee was due under ORS 656.382(2) because an ALJ's dismissal order finding the carrier's hearing request untimely constituted a "finding" that the compensation awarded by a reconsideration order should not be disallowed or reduced for purposes of the statute. Turning to the case at hand, the Board concluded that the ALJ's dismissal order based on the carrier's withdrawal also constituted a "finding" that the compensation awarded in the reconsideration order should not be disallowed or reduced because it had the effect of finalizing that compensation award.

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**APPELLATE DECISIONS**  
**COURT OF APPEALS**

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**PENALTY: Board Order Not Supported by Substantial Evidence or Reason**

*SAIF v. Krusenstjerna*, 346 Or App 429 (January 7, 2026). Applying ORS 656.268(5)(f), the court held that the Board's order awarding a penalty for the carrier's allegedly unreasonable claim closure was not supported by substantial evidence or reason. The court explained that, although the Board concluded that it was unclear whether the claimant was medically stationary at the time of closure, it did not explain why that lack of clarity made the carrier's closure unreasonable. The court, therefore, reversed and remanded the case to the Board.