
In the Matter of the Compensation of
EDNA L. BRADEN, Claimant
WCB Case No. 01-10137
ORDER ON REVIEW
Claimant Unrepresented
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Phillips Polich and Lowell.

Claimant, *pro se*, requests review of Administrative Law Judge (ALJ) Menashe's order that upheld the self-insured employer's denial of claimant's occupational disease claim for bilateral carpal tunnel syndrome.¹ On review, the issue is compensability.

We adopt and affirm the ALJ's order with the following supplementation.

On review, claimant raises an evidentiary objection. Specifically, she contends that the ALJ should have admitted her performance evaluations into evidence. We disagree.

The ALJ has broad discretion with regard to the admissibility of evidence at hearing. *Brown v. SAIF*, 51 Or App 389, 394 (1981). We review the ALJ's evidentiary ruling for abuse of discretion. *Jesus M. Delatorre*, 51 Van Natta 728 (1999); *James D. Brusseau II*, 43 Van Natta 541 (1991). Here, we do not find that the ALJ abused his discretion in not admitting the job performance evaluations. In addition, such evidence does not appear to be relevant or probative in deciding the compensability of claimant's bilateral carpal tunnel syndrome. (In other words, the evidence would not be helpful to deciding whether the condition was work related and would not affect the result of the case).

Claimant also objects that the ALJ would not allow her daughter to represent her at the hearing. While an injured worker can represent him or herself in

¹ Inasmuch as claimant is unrepresented, she may wish to consult the Workers' Compensation Ombudsman, whose job it is to assist injured workers in such matters. She may contact the Workers' Compensation Ombudsman, free of charge, at 1-800-927-1271, or write to:

WORKERS' COMPENSATION OMBUDSMAN
DEPT OF CONSUMER & BUSINESS SERVICES
350 WINTER ST SE
SALEM OR 97301-3878

workers' compensation hearings, the Board's administrative rules encourage workers to be represented by attorneys. *See* OAR 438-006-0100. The Board's rules do not provide that a worker can be represented by someone other than a member of the bar. Under such circumstances, we find the ALJ's decision justified.

Finally, claimant argues that the opinion of Drs. Fuller and Radecki (who attributed claimant's condition to age, gender, wrist morphology and body mass index) is unpersuasive because she argues that the doctors are biased, based on her own research. Claimant further questions why the employer would have hired her if her age and body type contributed to carpal tunnel syndrome.

Because the determination of the major contributing cause of claimant's bilateral carpal tunnel syndrome is a complex medical question, expert medical evidence is necessary to prove claimant's case. *See Uris v. Compensation Dept.*, 247 Or 420, 424 (1967); *Kassahn v. Publishers Paper Co.*, 76 Or App 105, 109 (1985), *rev den* 300 Or 546 (1986). Thus, given the medical complexity of the issue, claimant's lay testimony or personal beliefs are not determinative. Moreover, even assuming the medical opinion of Drs. Radecki and Fuller is unpersuasive as claimant argues, claimant's physician's opinion is insufficient to establish that her work activities were the major contributing cause of her bilateral carpal tunnel syndrome. Thus, claimant has not established that her claim is compensable.

ORDER

The ALJ's order dated April 17, 2002 is affirmed.

Entered at Salem, Oregon on November 12, 2002