
In the Matter of the Compensation of
ALLAN J. DAHL, JR., Claimant
WCB Case No. 09-01410
ORDER ON REVIEW
Unrepresented Claimant
Bruce A Bornholdt, SAIF Legal, Defense Attorneys

Reviewing Panel: Members Langer and Biehl.

Claimant, *pro se*, requests review of Administrative Law Judge (ALJ) Spangler's order that upheld the SAIF Corporation's denial of his low back injury claim. On review, the issue is compensability.

We adopt and affirm the ALJ's order with the following supplementation.¹

We give substantial weight to the ALJ's demeanor-based credibility findings regarding witnesses' testimony. *See Erck v. Brown Oldsmobile*, 311 Or 519, 526 (1991) (Board generally defers to the ALJ's determination of credibility when it is based on the ALJ's opportunity to observe the witness). Moreover, we would reach the same result even without considering the ALJ's *negative* credibility findings, based on inconsistencies in this record. *See Matthew Heady*, 60 Van Natta 91 (2008) (factual inconsistencies in the record may raise such doubt that we are unable to conclude that the testimony of a witness is credible); *George V. Jolley*, 56 Van Natta 2345, 2348 (2004), *aff'd without opinion*, 202 Or App 327 (2005) (same).

ORDER

The ALJ's order dated November 30, 2009 is affirmed.

Entered at Salem, Oregon on June 8, 2010

¹ Inasmuch as claimant is unrepresented, he may wish to consult the Ombudsman for Injured Workers, whose job it is to assist injured workers. He may contact the Ombudsman, free of charge, at 1-800-927-1271, or write to:

DEPT OF CONSUMER & BUSINESS SERVICES
OMBUDSMAN FOR INJURED WORKERS
PO BOX 14480
SALEM OR 97309-0405