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In the Matter of the Compensation of  
**LISA A. DEWALD, Claimant**  
WCB Case No. 12-03267  
ORDER ON REVIEW  
Cary et al, Claimant Attorneys  
Holly O'Dell, SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Langer and Lanning.

Claimant requests review of Administrative Law Judge (ALJ) Donnelly's order that upheld the SAIF Corporation's denial of claimant's occupational disease claim for lumbar spondylosis/facet arthropathy. On review, the issue is compensability.

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

Reasoning that the medical evidence did not establish that claimant's employment conditions were the major contributing cause of the combined lumbar condition and pathological worsening of the disease, the ALJ upheld SAIF's denial. On review, claimant contends that the opinion of Dr. Phillips, her treating physician, persuasively establishes compensability of her claimed occupational disease. As explained below, we disagree with claimant's contention.

The parties agree that claimant's occupational disease claim is based on the worsening of a preexisting disease or condition. Therefore, to establish compensability of her occupational disease, claimant must prove that her employment conditions were the major contributing cause of the combined condition and pathological worsening of the disease. ORS 656.266(1); ORS 656.802(2)(b); *see also Betty J. Read*, 64 Van Natta 360, 362 n 3 (2012) (evidence addressing major contributing cause of worsening, but not major contributing cause of combined condition, insufficient to establish compensability under ORS 656.802(2)(b)); *Howard L. Allen*, 60 Van Natta 1423, 1425 (2008) (evidence addressing the cause of worsening and need for treatment was insufficient to establish compensability under ORS 656.802(2)(b)).

The causation issue presents a complex medical question that must be resolved by expert medical evidence. *Uris v. State Comp. Dep't*, 247 Or 420, 426 (1967); *Barnett v. SAIF*, 122 Or App 279, 283 (1993). When presented with disagreement among experts, we give more weight to those opinions that are well reasoned and based on complete information. *Somers v. SAIF*, 77 Or App 259, 263 (1986).

Dr. Phillips opined that, while claimant's work activities did not originally cause her degenerative changes, they were "the major contributing cause for the pathological exacerbation and the major reason she required the medical services and treatment." (Ex. 49-2). Dr. Phillips linked claimant's work activities to a change in "her inflammatory process, most likely resulting in irritation and swelling of tissue which was responsible for the symptoms she experienced." (Ex. 49-1). He further explained that "lumbar spondylosis and facet arthropathy are conditions which become painful due to inflammatory changes," and claimant "likely suffered temporary swelling of tissue as a result of increased inflammation brought on by the nature of her work activity." (*Id.*) Dr. Phillips concluded that claimant's work activities caused an exacerbation of her underlying pathology and "she should be considered to have a combined condition of lumbar spondylosis and facet arthropathy (chronic) with low back pain (acute)." (Ex. 47).

Even assuming, without deciding, that Dr. Phillips's opinion supports the "worsening" aspect of ORS 656.802(2)(b), his opinion is insufficient to establish that claimant's work activities were the major contributing cause of the combined condition consisting of claimant's *work exposure* combined with her preexisting spondylosis/arthropathy. *See Read*, 64 Van Natta at 362. In the absence of such evidence, the statutory requirements of ORS 656.802(2)(b) have not been satisfied. *See Gary W. Higgins*, 57 Van Natta 261, 264 (2005).

In conclusion, because we find Dr. Phillips's opinion insufficient to establish the compensability of claimant's lumbar spondylosis/facet arthropathy under ORS 656.802(2)(b), the record does not support the compensability of the claimed occupational disease. Accordingly, we affirm.

#### ORDER

The ALJ's order dated February 11, 2013 is affirmed.

Entered at Salem, Oregon on August 1, 2013