
In the Matter of the Compensation of
VINCA S. CHIU, Claimant
WCB Case No. 13-00380
ORDER ON REVIEW
Unrepresented Claimant
Reinisch Wilson Weier, Defense Attorneys

Reviewing Panel: Members Weddell and Curey.

Claimant, *pro se*,¹ requests review of Administrative Law Judge (ALJ) Ogawa's order that: (1) excluded from the evidentiary record some medical articles and witnesses' statements submitted by claimant; and (2) upheld the self-insured employer's denial of her occupational disease claim for toxic exposure. On review, the issues are the ALJ's evidentiary rulings and compensability.

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

The ALJ declined to admit several medical and journal articles submitted by claimant, most of which she obtained from the internet. The ALJ reasoned that although Dr. Halverson noted Albert Donnay, the author of the internet articles, he did not rely on those articles in rendering his opinion. In addition, the ALJ declined to admit several witnesses' written statements as hearsay. Finally, the ALJ found several of claimant's proposed exhibits irrelevant, duplicative, not authenticated, and/or not probative.

The ALJ may conduct a hearing in any manner that will achieve substantial justice and has broad discretion regarding the admissibility of evidence. *See* ORS 656.283(6); *Brown v. SAIF*, 51 Or App 389, 394 (1981). We review the ALJ's evidentiary rulings for abuse of discretion. *SAIF v. Kurcin*, 334 Or 399 (2002).

Based on our review of the ALJ's explanation for the aforementioned evidentiary rulings, we find no abuse of discretion in the ALJ's exclusion of the proposed evidence. Accordingly, we do not disturb the ALJ's evidentiary rulings.

¹ Inasmuch as claimant is unrepresented, she may wish to consult the Ombudsman for Injured Workers. She 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

After conducting our review, we agree with the ALJ's reasoning and conclusion that the record does not establish that claimant's work-related exposure was the major contributing cause of her toxic exposure condition. Consequently, we affirm the ALJ's decision.

ORDER

The ALJ's order dated January 8, 2015 is affirmed.

Entered at Salem, Oregon on June 8, 2015