

In the Matter of the Compensation of
ENEDELIA REYES-RODRIGUEZ, Claimant
WCB Case No. 15-05611
ORDER ON REVIEW
Welch Bruun & Green, Claimant Attorneys
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Lanning and Johnson.

Claimant requests review of Administrative Law Judge (ALJ) Mills's order that upheld the SAIF Corporation's denial of her injury claim for low back, neck, head, right flank, right hip, and right shoulder conditions. On review, the issue is compensability.

We adopt and affirm the ALJ's order.¹

ORDER

The ALJ's order dated March 29, 2016 is affirmed.

Entered at Salem, Oregon on October 14, 2016

¹ Claimant contends that we should rely on the contemporaneous medical records, which she argues are more accurate than her testimony. However, in this instance, the medical evidence implicating the alleged August 3, 2015 work incident as a cause of claimant's need for treatment/disability is dependent on the truthfulness and accuracy of her history and reporting of subjective complaints. (Exs. 22-9, 23-4). Because we agree, for the reasons expressed in the ALJ's order, that claimant's history is unreliable, the physicians' opinions based on that history are unpersuasive. *See Miller v. Granite Constr. Co.*, 28 Or App 473, 476 (1977) (“[The physician’s] conclusions are valid as to the matter of causation only to the extent that the underlying basis of those opinions, the reports of claimant as to the circumstances of the accident and the extent of the resulting injury, are accurate and truthful.”).