

In the Matter of the Compensation of  
**EARL H. CLARK, Claimant**

WCB Case No. 16-01480, 16-00939

**ORDER ON REVIEW**

Whitty McDaniel Bodkin & Combs, Claimant Attorneys

Harrang Long Gary Rudnick, Employer Attorneys

Sheridan Levine LLP, Defense Attorneys

Reviewing Panel: Members Lanning and Johnson.

Claimant requests review of that portion of Administrative Law Judge (ALJ) Crummé's order that: (1) found that claimant's injury claim was excluded from compensability under ORS 656.005(7)(b)(C); and (2) upheld the denial by Sedgwick Claims Management Services (Sedgwick), the assigned claims agent under ORS 656.054(1), of his injury claim. On review, the issue is compensability.

We adopt and affirm the ALJ's order, with the exception of footnote 6.<sup>1</sup>

ORDER

The ALJ's order dated October 21, 2016, as corrected on October 24, 2016, is affirmed.

Entered at Salem, Oregon on August 9, 2017

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<sup>1</sup> For the reasons expressed in the ALJ's order, we find Mr. Kaufmann's testimony to be credible based on its substance and his demeanor in testifying. Therefore, because there is no contradictory testimony, we decline to construe the nonproduction of Mr. Kaufmann's brother as a witness to corroborate Mr. Kaufmann's testimony against Sedgwick. *See Robert Davis*, 58 Van Natta 1766 (2006) (the claimant's testimony was credible, despite the lack of corroborating testimony, where there was no contradictory testimony); *Terry K. Pierce*, 56 Van Natta 987 (2004) (the claimant's testimony was materially reliable, despite the lack of corroborating testimony, in the absence of countervailing evidence).