
In the Matter of the Compensation of
NORBERTO REYES-MARTINEZ, Claimant
WCB Case No. 16-05222
ORDER ON REVIEW
Hooton Wold & Okrent LLP, Claimant Attorneys
SAIF Legal Salem, Defense Attorneys

Reviewing Panel: Members Lanning and Curey.

Claimant requests review of Administrative Law Judge (ALJ) Pardington's order that affirmed an Order on Reconsideration that awarded 4 percent whole person permanent impairment for his lumbosacral back conditions. On review, the issue is extent of permanent disability (permanent impairment).

We adopt and affirm the ALJ's order. *See McDermott v. SAIF*, 286 Or App 406 (2017) (apportionment to exclude an award for permanent impairment due to a legally cognizable preexisting condition is permitted in the absence of an acceptance as part of a combined condition claim and subsequent denial); *Yekel v. SAIF*, 361 Or App 837 (2017) (*per curiam*) (citing *Brown v. SAIF*, 361 Or 241 (2017), and *McDermott v. SAIF*, 286 Or App 406 (2017)).

ORDER

The ALJ's order dated May 4, 2017 is affirmed.

Entered at Salem, Oregon on August 9, 2017