In the Matter of the Compensation of
LIQING X. NELSON, Claimant
WCB Case No. 16-03338
ORDER ON REVIEW
Guinn & Dalton, Claimant Attorneys
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Curey and Weddell.

Claimant requests review of Administrative Law Judge (ALJ) Marshall's order that upheld the SAIF Corporation's denial of claimant's occupational disease claim for a bilateral shoulder condition. On review, the issue is compensability.

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

For the past 10 years, claimant worked as a heat transfer applicator. (Tr. 6). She worked 10 hours per day, four days a week, with a half-hour lunch and two fifteen minute breaks. (Ex. 7-2, -3). Her job duties involved putting logos, names, and numbers onto jerseys and other pieces of cloth by use of a heat press. (Ex. 7-2).

Claimant, who is about five feet tall, usually stood at her work station, taking jerseys or pieces of cloth from one side of the station and placing them in the heat press. (Tr. 17). She then pushed two buttons, which applied the logo to the cloth. (*Id*.) She then used her right hand to pull the handle of the press to the right side and her left hand to pull it to the left side. (Tr. 17). The handle is not very difficult to move. (Tr. 7, 16). Her arms are at "eye-level" when she is pulling the handle. (Tr. 7). She then removed the finished product and stacked it on the other side of her work station. (*Id*.) She estimated that she "perform[ed] these actions" about a thousand times a day. (Tr. 7).

Claimant has been off work since March 2016. (Tr. 14). She continues to have significant shoulder pain. (*Id*.)

After SAIF denied her occupational disease claim for a bilateral shoulder condition, claimant requested a hearing.

The ALJ upheld SAIF's denial, finding that claimant had not met her burden of proving the compensability of her bilateral shoulder condition through the opinion of Dr. Puziss, who performed an examination at her counsel's request.

The ALJ reasoned that Dr. Puziss's opinion was not persuasive because he relied on an inaccurate history of claimant's daily work activities and did not adequately explain the causal relationship between her work activities and the claimed occupational disease.

On review, claimant argues that Dr. Puziss's opinion persuasively supports the compensability of her claimed conditions. She also makes several assertions regarding the lack of persuasiveness of the contrary medical opinions. For the following reasons, we agree with the ALJ's conclusion that Dr. Puziss's opinion does not persuasively establish that the claimed occupational disease is compensable.

To establish a compensable occupational disease claim, claimant must prove that employment conditions were the major contributing cause of her bilateral shoulder condition. ORS 656.266(1); ORS 656.802(2)(a). The major contributing cause is the cause, or combination of causes, that contributed more than all other causes combined. *McGarrah v. SAIF*, 296 Or 145, 166 (1983). This is a complex medical question that must be resolved on the basis of expert medical opinion. *Uris v. Comp. Dep't*, 247 Or 420 (1967); SAIF *v. Barnett*, 122 Or App 279, 283 (1993). We give more weight to medical opinions that are well reasoned and based on complete information. *Somers v. SAIF*, 77 Or App 259, 263 (1986).

Here, we share the ALJ's concern that Dr. Puziss may have had an inaccurate history regarding the number of times that claimant had to reach higher than shoulder level to compete her work activities. In any event, we find Dr. Puziss's opinion to be unpersuasive because it is conclusory and not well explained. In particular, Dr. Puziss's opinion lacked a sufficient explanation regarding how claimant's repetitive work activities were the major contributing cause of her bilateral shoulder condition. Other than noting claimant's small stature (which required her to lift her arms higher to reach the handle press), Dr. Puziss did not provide a biomechanical explanation of how her work activities caused her claimed occupational disease. *See Michele M. Fort*, 57 Van Natta 2427, 2428 (2005) (an opinion attributing a claimant's condition to work exposure without explaining how the work exposure caused the condition did not establish the major contributing cause of the claimed condition).

Furthermore, claimant acknowledged that the handle press was not difficult to move. (Tr. 16). Dr. Puziss opined: "She uses the handle on the machine at shoulder height a thousand times a day and this is enough to cause, in this slightly built person, rotator cuff tendinitis and impingement." (Ex. 16-7). Yet, Dr. Puziss

did not explain how claimant's "repetitive" work activities were sufficient to cause her bilateral shoulder conditions.[1] In the absence of such an explanation, we consider Dr. Puziss's opinion conclusory and unpersuasive.[2] *See Moe v. Ceiling Sys., Inc.*, 44 Or App 429, 433 (1980) (rejecting unexplained and conclusory opinion as unpersuasive).

In sum, for the above reasons, as well as those expressed in the ALJ's order, we conclude that Dr. Puziss's opinion does not persuasively establish the compensability of claimant's claimed occupational disease. Accordingly, we affirm.

ORDER

The ALJ's order dated November 4, 2016 is affirmed.

Entered at Salem, Oregon on March 31, 2017

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[1] Dr. Puziss also did not adequately address why claimant's bilateral shoulder condition continued to cause significant pain, which did not substantially improve after she was released from work in March 2016. (Tr. 14).

[2] Because claimant has not met her burden of proof through Dr. Puziss's opinion, it is unnecessary to discuss her contentions regarding the persuasiveness of the contrary medical opinions. *See Lorraine W. Dahl*, 52 Van Natta 1576 (2000) (if medical opinions supporting compensability are insufficient to meet the claimant's burden of proof, the claim fails, regardless of the persuasiveness of the countervailing opinions).