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In the Matter of the Compensation of  
**DOMINIC HAMMON, Claimant**  
WCB Case No. 16-00779  
ORDER ON REVIEW  
Unrepresented Claimant  
SAIF Legal, Defense Attorneys

Reviewing Panel: Members Johnson and Lanning.

Claimant, *pro se*,<sup>1</sup> requests review of Administrative Law Judge (ALJ) Crummè's order that upheld the SAIF Corporation's denial of claimant's occupational disease claim for a left knee condition. On review, the issue is compensability.

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

In upholding SAIF's denial, the ALJ found that the left knee claim was best analyzed as an occupational disease, and that claimant did not establish compensability of the claimed left knee condition. Specifically, the ALJ concluded that the opinion of Dr. Erkkila, an orthopedic surgeon who examined claimant on SAIF's request, established that his employment was not the major contributing cause of his left knee condition (a condition that developed over time). In addition, the ALJ noted that the remaining opinions of Dr. Shea, an orthopedic surgeon, and Mr. Spitael, a physician's assistant, did not comment on whether claimant's work activities were the major contributing cause of his left knee condition.<sup>2</sup> The ALJ ultimately determined that the claim was not compensable given the lack of expert medical opinion supporting claimant's statutory burden of proof.

On review, claimant contends that his claimed left knee condition is attributable to his work activities.<sup>3</sup> For the following reasons, we affirm the ALJ's order.

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<sup>1</sup> Because claimant is unrepresented, he may wish to consult the Ombudsman for Injured Workers. He 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

<sup>2</sup> Dr. Shea and Mr. Spitael concluded that claimant did not have a "work injury." (Exs. 6, 8).

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To prove the compensability an occupational disease, claimant must prove that employment conditions, including specific work injuries, were the major contributing cause of the disease. ORS 656.266(1); ORS 656.802(2)(a); *Kepford v. Weyerhaeuser Co.*, 77 Or App 363 (1986). If the occupational disease claim is based on the worsening of a preexisting condition, claimant must prove that employment conditions were the major contributing cause of the combined condition and pathological worsening of the preexisting disease. ORS 656.266(1); ORS 656.802(2)(b).

Where, as here, the causation issue involves complex medical questions, we necessarily rely on expert medical opinions. *Uris v. Comp. Dep't*, 247 Or 420 (1967); *Barnett v. SAIF*, 122 Or App 279 (1993). In addition, we generally give greater weight to those medical opinions that are both well-reasoned and based on complete information. *Somers v. SAIF*, 77 Or App 259, 262 (1986).

Our authority is limited to reviewing the record as developed before the ALJ and deciding whether the ALJ properly resolved the issues raised at hearing and correctly determined claimant's rights to benefits. ORS 656.295(5); *Charles A. Thaxton*, 56 Van Natta 3216 n 3 (2004); *Jeffrey L. Lidgett*, 55 Van Natta 1406, 1407 (2003).

Here, based on our review, we agree with and adopt the ALJ's analysis that the record does not persuasively establish the compensability of claimant's left knee condition. In other words, although we have considered claimant's contentions, we are not persuaded that claimant's work activities were the major contributing cause of his claimed left knee condition. ORS 656.266(1); ORS 656.802(2)(a). Consequently, we affirm the ALJ's order.

### ORDER

The ALJ's order dated November 28, 2016 is affirmed.

Entered at Salem, Oregon on May 2, 2017

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<sup>3</sup> Claimant asserts that he requires an MRI. Because this assertion was not presented at the hearing level, we decline to consider it on review.