
In the Matter of the Compensation of
JAMIE L. WATKINS, Claimant
WCB Case No. 18-00530
ORDER ON REVIEW
Jodie Phillips Polich, Claimant Attorneys
Sather Byerly & Holloway, Defense Attorneys

Reviewing Panel: Members Lanning and Woodford.

Claimant requests review of Administrative Law Judge (ALJ) Ogawa's order that: (1) denied claimant's motion for the appointment of a medical expert; and (2) upheld the self-insured employer's denial of claimant's new/omitted medical condition claim for bilateral cataracts. On review, the issues are the ALJ's evidentiary ruling and compensability.

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

ALJs are not bound by common law or statutory rules of evidence or by technical or formal rules of procedure and may conduct a hearing in any manner that will achieve substantial justice. ORS 656.283(6). We review the ALJ's evidentiary ruling for an abuse of discretion. *SAIF v. Kurcin*, 334 Or 399, 409 (2002).

The ALJ is given broad discretion on determinations concerning the admissibility of evidence. *See, e.g., Brown v. SAIF*, 51 Or App 389, 394 (1991) (the ALJ's decision to admit or exclude evidence is limited only by the consideration that the hearing as a whole achieve substantial justice). If the record would support a decision by the ALJ to either grant or deny the motion, the ALJ's ruling is not an abuse of discretion. *Kurcin*, 334 Or at 406.

After conducting our review of this record, we find no abuse of discretion in the ALJ's denial of claimant's motion for the appointment of a medical expert. *See OAR 438-007-0005(4); Frank G. Ingram*, 55 Van Natta 93, 96 (2003), *aff'd without opinion*, 194 Or App 48 (2004); *John M. Ames*, 44 Van Natta 684, *recons*, 44 Van Natta 916 (1992).

ORDER

The ALJ's order dated September 12, 2018 is affirmed.

Entered at Salem, Oregon on May 24, 2019