



News & Case Notes

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BOARD NEWS

Quarterly Board Meeting – February 27, 2025

The Members have scheduled a public meeting for February 27, 2025, at 1:30 p.m., which will be held in Hearing Room A at the Board's Salem office (2601 25th St. SE, Ste. 150). The agenda for the Board meeting will be:

- Regular quarterly scheduled meeting – OAR 438-021-0010(1)

A formal announcement regarding this Board meeting has been electronically distributed to those individuals, entities, and organizations who have registered for these notifications at service.govdelivery.com/accounts/ORDCBS/subscriber/new.

2025 Quarterly Board Meetings

The Board has posted the dates of its upcoming public meetings through September 2025 on its website at oregon.gov/wcb/Pages/meetings-minutes.

The Board will meet on June 26 and September 11, 2025 at 10 a.m. at the Board's Salem office. Dates and times are subject to change.

The Board will continue to notify parties of upcoming meetings through *News & Case Notes* and email notifications. Sign up for email notifications through service.govdelivery.com/accounts/ORDCBS/subscriber/new.

Translation of Written Documents – OAR 438-007-0045

Practitioners are reminded that all non-English documents must be translated into English when submitted as evidence into the hearing record. Parties must follow the procedure found in Oregon Administrative Rule 438-007-0045, which requires either that the parties stipulate to the document's translation or the party offering the document provide an English translation.

CASE NOTES

OCCUPATIONAL DISEASE: Occupational Disease Standard Applied to New or Omitted Medical Condition Claim; Record Did Not Establish Compensability as Occupational Disease or as Part of Combined Condition

Catherine Booth, 77 Van Natta 21 (January 24, 2025). Applying *Smirnoff v. SAIF*, 188 Or App 438 (2003) and ORS 656.802(2)(a), the Board found that a worker's new or omitted medical condition claim for right wrist osteoarthritis should be analyzed as an occupational disease, rather than an injury. The Board acknowledged that the claimant's accepted conditions had been accepted as injuries. However, based on the persuasive medical evidence in the record, the Board found that the worker's osteoarthritis condition developed gradually over time and should be analyzed as an occupational disease under a major contributing cause standard.

Applying the proper legal standard, the Board found that there was insufficient evidence that employment conditions were the major contributing cause of the osteoarthritis condition. ORS 656.266(1); ORS 656.802(2)(a).

Addressing claimant's alternative contention that the claimed osteoarthritis constituted the preexisting component of a combined condition, the Board determined that the record did not establish the existence of a combined condition or explain how two conditions combined. See *Carrillo v. SAIF*, 310 Or App 8, 13 (2021). Therefore, the Board reversed the ALJ's decision and reinstated the employer's denial.

A dissenting Member would have affirmed the ALJ's opinion, finding that the condition should be analyzed as an injury.

APPELLATE DECISIONS

No Board-related decisions issued from the appellate courts in January.