

COURT OF APPEALS OF OREGON

Mark S. Mooney v. Legacy Health

349 Or. App. 36 (2026) · No. A182837 · Decided April 29, 2026

SUMMARY

The Oregon Court of Appeals affirmed the Workers’ Compensation Board’s order upholding Legacy Health’s denial of a combined condition involving Mark Mooney’s accepted C7 radiculopathy and preexisting cervical conditions. The court held that the employer met its burden to establish that the accepted injury was no longer the major contributing cause of the combined condition and that the disability benefits awarded at claim closure were not inconsistent with the denial.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Egan, J.; Aoyagi, Presiding Judge; Egan, Judge; Joyce, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	April 29, 2026
DOCKET	A182837
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for judicial review of an Oregon Workers’ Compensation Board order upholding Legacy Health’s denial of Mooney’s previously accepted combined condition.
STANDARD OF REVIEW	The court reviewed the Workers’ Compensation Board’s order for substantial evidence and errors of law under ORS 183.482(8)(a) and (c).
PRECEDENTIAL VALUE	Published opinion
PARTIES	Mark S. Mooney v. Legacy Health

TOPICS

- workers compensation
- judicial review of agency action
- standard of review
- administrative law
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Legacy Health properly denied the accepted combined condition after establishing that the otherwise compensable C7 radiculopathy was no longer the major contributing cause of the combined condition's disability or need for treatment.
2. Whether the permanent-disability award on the accepted C7 radiculopathy claim was inconsistent with denial of the combined condition and required the Workers' Compensation Board to consider that award in reviewing the denial.
3. Whether closure of the accepted C7 radiculopathy claim constituted a final adjudication of the continuing compensability of the combined condition.

HOLDINGS

1. An employer may deny a combined condition when it proves that the otherwise compensable injury is no longer the major contributing cause of the combined condition's disability or need for treatment. Legacy Health met that burden based on medical evidence that Mooney's C7 radiculopathy had resolved and was no longer the major contributing cause.
2. There was no inconsistency between Legacy Health's denial of the combined condition and its award of disability benefits for the accepted C7 radiculopathy because, after denying the combined condition, Legacy was entitled to apportion benefits and pay only for impairment attributable to the accepted condition.
3. Closure of the accepted C7 radiculopathy claim did not constitute a final, unchallenged adjudication of the continuing compensability of the combined condition.

KEY QUOTATIONS

"Thus, a combined condition is subject to the major contributing cause standard of proof." (39)

"Thus, when either party has established the existence of a combined condition, and the claimant establishes an "otherwise compensable injury," an employer seeking to disprove the compensability of the combined condition has the burden to prove that the otherwise compensable injury "is not, or is no longer, the major contributing cause of the disability of the combined condition or the major contributing cause of the need for treatment of the combined condition." (40)

"Thus, having denied the combined condition, employer was entitled to apportion benefits between the accepted condition and the denied combined condition, Caren v. Providence Health System Oregon, 365 Or 466, 486, 446 P3d 67 (2019), and to pay benefits only for the impairment related to the accepted condition." (41)

FACTUAL BACKGROUND

Mooney, a nurse, sustained a work-related injury while moving a patient, resulting in C7 radiculopathy for which he underwent surgery. He had preexisting cervical conditions, including a childhood spinal fusion and Brown-

Sequard Syndrome. Legacy accepted a combined condition involving the C7 radiculopathy and those preexisting conditions, but medical evidence later indicated that the C7 radiculopathy had resolved and was no longer the major contributing cause of the combined condition's disability or treatment needs. Legacy denied the combined condition and closed the accepted C7 radiculopathy claim, awarding benefits apportioned to impairment attributable to that accepted condition.

PROCEDURAL HISTORY

Legacy Health accepted Mooney's work-related C7 radiculopathy and later accepted a combined condition involving that injury and preexisting cervical conditions. After medical evidence indicated that the C7 radiculopathy was no longer the major contributing cause of the combined condition, Legacy denied the combined condition and later closed the accepted C7 radiculopathy claim. An administrative law judge and the Workers' Compensation Board rejected Mooney's challenge, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- SAIF v. Sprague, 346 Or. 661, 663-64, 217 P.3d 644 (2009)
- Caren v. Providence Health System Oregon, 365 Or. 466, 486, 446 P.3d 67 (2019)

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