

COURT OF APPEALS OF OREGON

Smicz v. Deschutes County 911 Service Dist.

347 Or. App. 28 (2026) · No. A182542 · Decided February 11, 2026

SUMMARY

The Oregon Court of Appeals affirmed a Workers' Compensation Board order denying Camille Smicz the occupational disease presumption for PTSD under ORS 656.802(7)(b). The court held that the statutory requirement of a preponderance of persuasive medical evidence permits the factfinder to consider persuasive medical evidence offered by both the claimant and the opposing party. The court also concluded that the Board's determination was supported by substantial evidence and reason.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Ortega, Presiding Judge; Lagesen, Chief Judge; Hellman, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	February 11, 2026
DOCKET	A182542
DISPOSITION	affirmed
PROCEDURAL POSTURE	Claimant sought judicial review of a Workers' Compensation Board order upholding the employer's denial of her occupational-disease claim and determining that she had not established entitlement to the PTSD or acute-stress-disorder presumption under ORS 656.802(7)(b).
STANDARD OF REVIEW	The court reviewed the Board's statutory interpretation for legal error under ORS 183.482(8)(a). It reviewed the Board's factual determination under ORS 183.482(8)(c), asking whether substantial evidence and substantial reason supported the order, without reweighing evidence or reassessing witness credibility.
PRECEDENTIAL VALUE	Published Oregon Court of Appeals opinion
PARTIES	Camille Smicz v. Deschutes County 911 Service District

TOPICS

workers compensation

statutory interpretation

legislative history

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PRACTICE AREAS

workers compensation

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QUESTIONS PRESENTED

1. Whether ORS 656.802(7)(b) permits the factfinder to consider persuasive medical evidence presented by both the claimant and the opposing party when determining whether the claimant established entitlement to the occupational-disease presumption.
2. Whether the Workers' Compensation Board's determination that Smicz failed to establish the presumption was supported by substantial evidence and substantial reason.

HOLDINGS

1. ORS 656.802(7)(b) permits the factfinder to consider all persuasive medical evidence from a psychiatrist or psychologist proffered by either party when determining whether the claimant has established, by a preponderance of the evidence, that the statutory PTSD or acute-stress-disorder presumption applies.
2. The Workers' Compensation Board's determination that Smicz failed to establish by a preponderance of persuasive medical evidence that she met the PTSD criteria was supported by substantial evidence and substantial reason.

KEY QUOTATIONS

"The text does not limit the factfinder to only considering a claimant's proffered evidence. We will not read a term into the statute that is not present." (32-33)

"That understanding of the term 'preponderance of the evidence' supports that the legislature intended the factfinder to consider all the evidence in making the determination; otherwise, there would not be a need to determine if the claimant's evidence preponderates." (33)

"permits the factfinder to consider persuasive medical evidence proffered by both parties to determine whether a claimant established that the presumption under ORS 656.802(7)(b) applies." (35)

FACTUAL BACKGROUND

Smicz worked as a 9-1-1 dispatcher for 20 years and claimed that repeated exposure to traumatic and critical incidents caused occupational PTSD, secondary trauma, and cumulative stress disorder. The medical evidence was conflicting: employer-retained experts concluded that she did not meet the diagnostic criteria for PTSD, while her expert diagnosed PTSD but conducted a more limited review of her medical history. The Board found the opposing experts' opinions better reasoned and based on more complete and accurate histories, and concluded that Smicz had not established the statutory presumption.

PROCEDURAL HISTORY

Deschutes County 911 Service District denied Smicz's occupational-disease claim. After a hearing, an administrative law judge upheld the denial, concluding that Smicz had not established by a preponderance of

persuasive medical evidence that the statutory presumption applied. The Workers' Compensation Board affirmed, and the Oregon Court of Appeals affirmed the Board's order on judicial review.

DISPOSITION

affirmed

CASES CITED

- State v. Gaines, 346 Or. 160, 171-72, 206 P.3d 1042 (2009)
- Comcast Corp. v. Department of Revenue, 356 Or. 282, 296, 337 P.3d 768 (2014)
- SAIF v. Thompson, 360 Or. 155, 161, 379 P.3d 494 (2016)
- WaterWatch of Oregon, Inc. v. Water Resources Department, 324 Or. App. 362, 382, 384, 527 P.3d 1, rev. denied, 371 Or. 332 (2023)
- Zanetti v. City of Portland, 336 Or. App. 413, 426, 562 P.3d 317, rev. denied, 373 Or. 444 (2025)