

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. VNO 0261295

DORIAN GORI,

Applicant

vs.

COMPLETE LEASING CONCEPTS;
P.S.I.,

Defendants.

FINDINGS AND AWARD

The above-entitled matter having been heard and regularly submitted, the Honorable JAMES J. DOHERTY, Workers' Compensation Judge, now makes his decision as follows:

FINDINGS OF FACT

- (1) Applicant, Dorian Gori, born 4-20-64, at La Mirada, California, on 6-2-92, sustained an injury to his internal and pulmonary systems, arising out of and occurring in the course of his employment as a truck driver by Complete Leasing Concepts, who was then permissibly self-insured.
- (2) Applicant's earnings at the time of injury were \$460.00 per week producing a temporary disability rate of \$306.67 per week and a permanent disability indemnity rate of \$140.00 per week.
- (3) Applicant's injury caused temporary disability beginning 6-3-92 to and including 6-11-92.
- (4) Applicant's injury caused permanent disability of 0%.
- (5) Applicant will not require further medical treatment to cure or relieve from the effects of this injury.
- (6) Applicant is entitled to reimbursement of self-procured medical treatment in an amount to be adjusted by and between the parties.
- (7) Applicant is entitled to reimbursement of medical-legal costs in an amount to be adjusted by and between the parties.
- (8) The Employment Development Department may have paid applicant Unemployment Compensation

E. CHARLES MARKI

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Disability benefits during a portion of the period from which temporary disability indemnity is being awarded herein. Jurisdiction is retained to determine the amount when proper evidence is submitted.

(9) The reasonable value of the services and disbursements of applicant's attorney is 15% of the temporary disability due.

AWARD

AWARD IS MADE in favor of DORIAN GORI against COMPLETE LEASING CONCEPTS payable as follows:

- (a) Temporary disability indemnity at the rate of \$306.67 per week beginning 6-3-92 to and including 6-11-92.
- (b) Reimbursement of medical-legal costs in an amount to be adjusted by the parties.
- (c) Reimbursement of self-procured medical treatment in an unknown amount to be informally adjusted by and between the parties.

DATED: 11-1-94

Filed and Served by mail on: 11-1-94
On all parties on the
Official Address Record.

By: J. Ross
J. ROSS

James J. Doherty
JAMES J. DOHERTY
Workers' Compensation Judge

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

DORIAN GORI,

Applicant

v.

COMPLETE LEASING CONCEPTS;
P.S.I.,

Defendants.

Case No. VNO 0261294

Findings and Order

The above-entitled matter having been heard and regularly submitted, the Honorable JAMES J. DOHERTY, Workers' Compensation Judge, now makes his decision as follows:

FINDINGS OF FACT

1. Dorian Gori, born 4-20-64, while employed as a truck driver, at La Mirada, California, on 6-1-92, by Complete Leasing Concepts, then permissibly self-insured, did not sustain injury arising out of and occurring in the course of his employment to his back.

2. Applicant is entitled to reimbursement of medical-legal costs in an unknown amount to be informally adjusted by and between the parties, less credit to defendants for all sums heretofore paid on account thereof, if any.

3. All other issues have been rendered moot.

AWARD

AWARD IS MADE in favor of DORIAN GORI against COMPLETE LEASING CONCEPTS of:

Medical-legal costs in an unknown amount to be informally adjusted by and between the parties, less credit to defendants for all sums heretofore paid on account thereof, if any.

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DORIAN GORI

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ORDER

IT IS ORDERED that applicant take nothing by reason of his application filed herein.

DATED: 11-1-94


JAMES J. DOHERTY
Workers' Compensation Judge

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STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

CASE NOS. VNO 0261294 & VNO 0261295

DORIAN GORI

vs.

COMPLETE LEASING
CONCEPTS;

P.S.I.

WORKERS' COMPENSATION JUDGE

JAMES J. DOHERTY

DATES OF INJURY:

JUNE 1, 1992;
JUNE 2, 1992

OPINION ON DECISION

This case rests on the credibility of the various witnesses and medical reports.

In regards to the alleged back injury in case number VNO 0261294, it is the opinion of this trier of fact that there was no industrial causation.

The medical records of Dr. Lindstrom of 6-4-92 indicate that his back pain preceded the complaints regarding carbon monoxide exposure by one week, and did so without any traumatic event. It was not until some time had elapsed that the applicant relates it to lifting on 6-1-92. Due to the many inconsistent statements and histories given by the applicant, it is concluded that he did not sustain the burden of proof on this alleged injury.

In case number VNO 0261295, it is believed that there was a leak of carbon monoxide into the cab of the truck. This resulted in his eyes to water. He was told to go home after the truck was inspected. It is certain that the applicant's medical examiners were not aware of his use of marijuana. Many of the symptoms complained of by the applicant and the marginal findings of Dr. Schultz of some neurocognitive defects could well be a result of marijuana use or abuse. His doctors lacking that history have doubt cast on their opinions. The records of Dr. Emory reflect that as of 3-11-92, the applicant had reduced

his marijuana use from ten (10) to five (5) hits a day. None of this was told to the applicant's doctors.

In Dr. Miller's report of 1-28-93, it said applicant used marijuana in high school. He did not have the history of his case with Dr. Emory.

There was no internal medicine diagnosis to justify continued temporary disability. The defense medical reports were more convincing, even though Dr. Sanford Miller was not aware that the Clayton Environmental examination of the truck was performed after the engine had been replaced.

In regards to temporary disability, there was insufficient evidence to conclude that after being examined on 6-11-92, he was unable to return to work.

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JAMES J. DOHERTY
Workers' Compensation Judge