

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

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Case No. POM 119-372

BILLY JOE LAMBRIGHT,

Applicant

vs.

LUCKY STORES, INC.; permissibly self-
insured,

Defendants.

FINDINGS AND ORDER

The issue of credit having been regularly submitted, the HONORABLE
BRIAN P. MCGOVERN, Judge, now finds and orders as follows:

FINDINGS OF FACT

1. This matter was settled by way of Joint Stipulations with Request for Award on March 10, 1992 which allows defendant credit for permanent disability advances.
2. Defendant advanced permanent disability in the sum of \$4,680.00 for which they are entitled to reimbursement.

ORDER

IT IS ORDERED that applicant's request for payment of \$4,680 taken credit for by the defendants in permanent disability advances is hereby DENIED.


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IT IS FURTHER ORDERED that defendants be and they are hereby allowed credit for permanent disability advances in the amount of \$4,680.00.

DATED AT POMONA, CALIFORNIA
October 11, 1994


BRIAN P. MCGOVERN, JUDGE
WORKERS' COMPENSATION APPEALS BOARD

SERVED BY MAIL ON PERSON SHOWN
ON THE OFFICIAL ADDRESS RECORD
October 12, 1994

BY: 
R.L. Milton

STATE OF CALIFORNIA
WORKER'S COMPENSATION APPEALS BOARD
CASE NO. POM 119-372

BILLY JOE LAMBRIGHT

VS.

LUCKY STORES, INC.;
permissibly self-insured

JUDGE: BRIAN P. MCGOVERN

DATED: October 11, 1994

OPINION ON DECISION

THIRD PARTY CREDIT AND DEFENDANT'S ENTITLED TO PERMANENT
DISABILITY ADVANCES IN THE AMOUNT \$4,680.00 PURSUANT TO THE
STIPULATIONS OF MARCH 10, 1992:

This matter was settled by way of Joint Stipulations with Request for Award on March 10, 1992. The award called for permanent disability in the amount of 34-1/2%, payable at \$140.00 per week, payments to commence March 6, 1990 for the total sum of \$20,686.00, less credit for such payments previously made.

The language of the Stipulations with Request for Award dated March 10, 1992 is quite clear. The defendants were to take credit for amounts previously paid, i.e. \$4,680.00 which the applicant admits receiving in permanent disability advances. Defendants paid permanent disability advances as required by the Labor Code and the Reynolds case, in good faith.

Not to allow defendants credit for the legitimately made permanent disability advances would result in a double recovery for the applicant, which equity and the law disfavors.

Applicant's request for payment of \$4,680.00 taken credit for by the defendants in permanent disability advances is hereby denied.


BRIAN P. MCGOVERN, JUDGE
WORKERS' COMPENSATION APPEALS BOARD

BPM:rm

cc: McAlpin, Doonan & Seese
Kegel, Tobin & Truce