

DCNE 12-19-90
pmc

MEMORANDUM

TO: ALL WORKERS' COMPENSATION ATTORNEYS -- ALL OFFICES
FROM: W. JOSEPH TRUCE
DATE: DECEMBER 18, 1990
RE: "TAKE NOTHING" ON PSYCHIATRIC CASE OBTAINED BY
SANDRA GRAJEDA

I am enclosing a "take nothing" award on a psychiatric case obtained on behalf of our client, Baldwin Park Unified School District, by Sandra Grajeda in our Montclair office.

It appears that this case represents excellent trial preparation as the judge was impressed by our credible psychiatric report and impeaching medical records of the applicant's pre-existing problems.

Although not mentioned by the judge, it would appear that our defense witness's testimony that the applicant was observed crying because her husband was unemployed was a strong factor in the decision.

W. Joseph Truce
Enclosure

Hand

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

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GWENDALYN M. BLAND,
Applicant
vs.
BALDWIN PARK UNIFIED SCHOOL
DISTRICT, self-insured,
Defendants.

Case No. POM 0119003

FINDINGS AND ORDER

Jerold Perry, attorney for applicant.

✓ Kegel, Tobin, Hamrick & Truce, by Sandra Grajeda, attorneys for defendants.

Application having been filed herein; all parties having appeared and the matter having been regularly submitted, the Honorable BRIAN P. McGOVERN, WORKERS' COMPENSATION JUDGE, now finds and orders as follows:

FINDINGS OF FACT

1. GWENDALYN M BLAND, born November 3, 1940, was employed at Baldwin Park, California, from March 2, 1985, through March 2, 1986, as a Kindergarten Teacher by Baldwin Park Unified School District, self-insured.

2. Applicant did not sustain injury to her emotional system arising out of and occurring in the course of her employment from March 2, 1985, through March 2, 1986, as alleged herein.

3. Applicant reasonably incurred the following medical-legal costs: \$53.89 to Legal Reproductive Services; \$760.00 to Bloch Medical Clinic.

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- 4. There are no funds against which to award attorney's fees.
- 5. All remaining issues raised are moot and no findings shall be made.

ORDERS

IT IS, THEREFORE, ORDERED that applicant take nothing herein.

IT IS FURTHER ORDERED that defendant herein pay the following medical-legal costs: \$53.89 to Legal Reproductive Services and \$760.00 to Bloch Medical Clinic.



BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

DATED: November 15, 1990

Served by mail on parties checked on the Official Address Record effected on above date.

BY: L. B. Champion

CASE NO. POM 0119003

GWENDALYN BLAND
WORKERS' COMPENSATION JUDGE;
BRIAN P. McGOVERN

vs. BALDWIN PARK UNIFIED
SCHOOL DISTRICT,
self-insured,

DATED: November 15, 1990

INJ: 3-2-85 through
3-2-86

OPINION ON DECISION

INJURY AOE/COE

Based upon the extremely vague and non-credible testimony of the applicant at trial, relating to the claimed stresses of her employment at the Baldwin Park Unified School District from March 2, 1985, through March 2, 1986, as a Kindergarten Teacher, and in light of the very persuasive medical report of Dr. Donald J. Feldman dated May 23, 1987, it is hereby found that the applicant did not sustain injury arising out of and in the course of her employment to her emotional system.

Defendant's exhibit "B", the records of Southland Mental Health, show the applicant has a multiplicity of well documented pre-existing problems. The heart condition and surgery of her father in 1986 is noted have caused the applicant's considerable stress. She also relates to having a very rebellious teenage son, who is causing her difficulties and long time anger and resentment directed towards her husband and family.

It is noted that in the medical records there is almost no mention of the applicant's job at all. The treating psychiatrist's records note mostly marital disharmony and family stresses. Additionally, the applicant testified about the problems over her brother's death and her unresolved guilt.

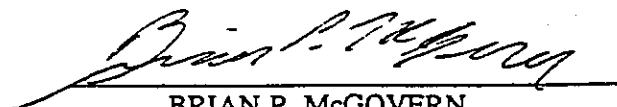
MEDICAL-LEGAL COSTS

The following medical-legal liens are hereby allowed as reasonable costs to prove a contested matter: Legal Reproductive Services in the amount of \$53.89; Bloch Medical Clinic in the amount of \$760.00.

ATTORNEY'S FEES

There are no funds available from which to award attorney's fees.

All issues are moot.



BRIAN P. McGOVERN
WORKERS' COMPENSATION JUDGE

BPM:lbc