

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. SBR 236718

Gene Edwards

Applicant

vs.

Manor Care

Defendants.

FINDINGS AND ORDER

An Application having been filed herein, all parties having appeared and the matter having been regularly submitted, the HONORABLE DENNIS ZIMMERMAN, WORKERS' COMPENSATION referee, makes his findings and award as follows:

FINDINGS OF FACT

1. Gene Edwards, born 9-14-43, while employed in 3-1-94, by Manor Care, permissibly self-insured, did not sustained injury arising out of and occurring during the course of employment to his right knee.
2. All other issue are moot.

ORDER

It is hereby Ordered that applicant take nothing by way of his application filed herein.

It is Further Ordered that jurisdiction over medical-legal liens and contribution between defendant Regency Health Services and Manor Care is reserved.

Riverside, CALIFORNIA
Filed and Served by mail on: 2-18-97
On all parties on the
Official Address Record.
By: *B. Cooley*
B. Cooley



DENNIS ZIMMERMAN
WORKERS' COMPENSATION Referee

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. RIV 3757

Gene Edwards

Applicant

vs.

Regency Health Services dba Valley View

Defendants.

FINDINGS AND AWARD

An Application having been filed herein, all parties having appeared and the matter having been regularly submitted, the HONORABLE DENNIS ZIMMERMAN, WORKERS' COMPENSATION referee, makes his findings and award as follows:

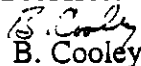
FINDINGS OF FACT

1. Gene Edwards, born 9-14-43, while employed in September of 1992, by Regency Health Services dba Valley View, permissibly self-insured, sustained injury arising out of and occurring during the course of employment to his right knee.
2. This injury did not cause any disability.
3. There is no need for further medical care as a result of this injury.
4. Defendant is to adjust medical-legal costs in this case and in case SBR 236718 with right of contribution from co-defendant Manor Care reserved. jurisdiction reserved.
5. All other issue are moot.

AWARD

Award is made in favor of Gene Edwards and against Regency Health Services dba Valley View as follows:

- a) Medical-legal costs according to finding # 4.

Riverside, CALIFORNIA
Filed and Served by mail on: 2-18-97
On all parties on the
Official Address Record.
By: 
B. Cooley


DENNIS ZIMMERMAN
WORKERS' COMPENSATION Referee

CASE NO:
RIV 3757, SBR 236718

Gene Edwards

VS. Regency Health
Services, dba Valley Vista
Homes; and Manor Care

Referee: DENNIS ZIMMERMAN
DATED: FEBRUARY 18, 1997

JOINT
OPINION ON DECISION

The parties stipulated that the applicant suffered industrial injury to his right knee while employed by the defendant Regency Health Services in September of 1992 (RIV 3757) and put into issue injury to applicant's right knee while employed by Manor Care on 3-1-94 (SBR 236718).

The referee has considered the testimony of the witnesses, the testimony and depositions of the applicant, the deposition of the witness Perez, the extensive medical record, the medical reporting, subpoenaed personnel records, the film of the applicant and the subpoenaed record of case numbers SBR 186999 and 187000.

Dr. Rabinovich, reporting for the applicant takes a history of injury to applicant's knee in "1991 or 1992" which was treated and resolved and opines applicant's disability is the result of his injury on 3-1-94 at Manor Care. It is not known if Dr. Rabinovich is speaking of the injury at Valley View or the injury reflected in case numbers 186999 and 18700 while applicant was a security guard. It is apparent that Dr. Rabinovich was not aware that the applicant had two preceding injuries and not just one. Also, Dr. Rabinovich's opinion that the applicant should avoid prolonged walking would not appear to be accurate as the witness Quintanar testified that applicant walked approximately four and one-half miles each of the two days he had him under surveillance.

Dr. Lobley did have a history of three separate knee injuries and opined that the

all three injuries contributed to the applicant's disability and also opined that the applicant should avoid prolonged walking.

Dr. Simpkins reporting for the defendant Manor Care did not find any work restrictions.

Dr. Clark, reporting for the defendant, Regency took a very complete history, conducted a thorough examination, and reviewed the complete medical record.

Dr. Clark opined on p. 7 of his report:

" Even though Mr. Edwards reports that he is able to walk for a distance of only two to three blocks maximum, I do not believe his condition necessitates a preclusion from prolonged walking and standing."

This observation by Dr. Clark is certainly borne out by the testimony of the witness Quintanar. Upon review of all the evidence it is this referee's opinion that the reporting of Dr. Clark best reflects applicant's medical status. Based on that reporting it will be found that the applicant did not suffer industrial injury to his right knee while employed by Manor Care and that the admitted injury while employed by Regency did not result in any disability or need for medical care beyond what was provided by Beaver Medical Clinic (see Dr. Clarks report pages 7 through 9).

Based on the above discussion all other issues are moot except the issues of medical legal costs which will be ordered adjusted by the defendant Regency with right of contribution from co-defendant Manor Care reserved, jurisdiction reserved.



DENNIS ZIMMERMAN
WORKERS' COMPENSATION REFEREE