

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION

CASE NO. LBO 217723

MARIA CARMEN ESTRADA

-vs-

MEMORIAL MEDICAL CENTER;  
permissibly self-insured

WORKERS' COMPENSATION JUDGE:

FRANK S. FALERO

DATED: MAR 23 1992

OPINION ON DECISION

This case came to trial on January 6, 1992 and, again on March 5, 1992, at which time testimony was heard orally and by way of deposition. Reports and records were identified as exhibits and admitted into evidence.

INJURY ARISING OUT OF AND OCCURRING IN THE COURSE OF EMPLOYMENT:

I find applicant did not sustain an injury arising out of and occurring in the course of her employment on September 15, 1989 to her left knee.

Applicant is found not worthy of belief. She has left a trail of denial that the injury was industrial, to wit:

Defendant's Exhibit C - The knee history given on October 13, 1989 by the applicant to Dr. Douglas Jackson, was that the symptoms are of nine months duration. Dr. Jackson states that his impression is of a lateral joint line pain at present, undetermined etiology. That it is interesting that she went to sleep and woke up with this condition. That the applicant in the patient evaluation form under the section "How did this problem start?" checked off an answer of "Don't know". Further, the applicant wrote and signed the "Patient Sign-In Sheet" in particular in answer to the following question: "If injury, when and how did it happen?" She responded at home on October 5, 1989, early in the morning.

The history given to the Employment Development Department referred to Defendant's Exhibit C on November 3, 1989 and signed by the applicant, shows an answer to question "Was this disability caused by your work?" A response of no.

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Defendant's Exhibit E - Dr. Sonne's entry in the employer's in-house medical clinic form states that the applicant reported a spontaneous left knee pain and there was no report that it was an industrial injury.

At the time of the trial, the applicant admitted that she had lied to Dr. Jackson on October 13, 1989, in telling him that she had just awakened one morning with pain and, that it was later in January 1990 that she recanted and told Dr. Jackson the truth. Applicant also admits lying when she signed the state disability form on November 3, 1989.

The trier of fact's finding is substantially supported by the conclusions of Dr. S. Sanford Kornblum, Orthopedist, in his reports identified as Defendant's Exhibit A.


TEMPORARY DISABILITY:

The defendants paid temporary disability to the applicant in good faith for the total amount of \$4,872.40. The applicant is ordered to reimburse defendants in said amount.

MEDICAL-LEGAL AND LIENS:

All liens are denied. Lien claimants would need to seek their costs from the applicant.

All other issues are rendered moot.

  
FRANK S. FALERO  
Workers' Compensation Judge

FSF:jm

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

Case No. LBO 217723

MARIA CARMEN ESTRADA,

*Applicant*

v.

MEMORIAL MEDICAL CENTER;  
permissibly self-insured,

*Defendants.*

**FINDINGS AND ORDER**

Wallace B. Rodecker, attorney for applicant.

Kegel, Tobin, Hamrick & Truce, by Georgia Connolly,  
attorneys for defendants.

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

**FINDINGS OF FACT**

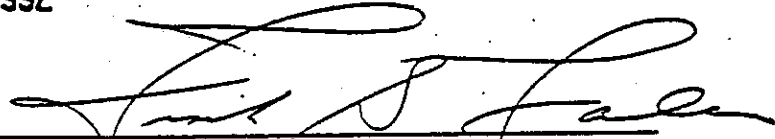
1. Maria Carmen Estrada, born December 18, 1952, while employed as a salad maker, at Long Beach, California, on September 15, 1989, by Memorial Medical Center, then permissibly self-insured did not sustain injury arising out of and occurring in the course of her employment to her left knee.
2. Defendants paid temporary disability, in good faith, in the total amount of \$4,872.40, which is to be reimbursed by the applicant.
3. All liens of record are denied.
4. All other issues have been rendered moot.

ORDER

IT IS ORDERED that applicant take nothing by reason of her application filed herein on June 25, 1991.

IT IS FURTHER ORDERED that the applicant is to reimburse the defendants the sum of \$4,872.40, as set forth in Finding No. 2.

DATED: MAR 23 1992



FRANK S. FALERO  
Workers' Compensation Judge

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

By:   
J. McConnie

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