

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case Nos. LAO 535957; 574427; 587670;
587671

ALEJANDRO FLORES,

Applicant,

vs.

WINCHELL'S DONUT HOUSE;
NATIONAL UNION FIRE INSURANCE
COMPANY/CRAWFORD & COMPANY,

Defendants.

JOINT FINDINGS AND AWARD
AND ORDER

In accordance with the Opinion on Decision this day filed and served herewith, the applicant and the defendant having appeared and having submitted the matter for decision, the Honorable GEORGE C. RENY, Workers' Compensation Judge, finds and awards as follows:

FINDINGS OF FACT

- (1) The stipulations filed by the parties are true and are adopted by reference as though fully set forth herein.
- (2) The applicant did not sustain a compensable emotional or internal injury arising out of nor occurring in the course of employment.
- (3) The applicant is entitled to permanent disability of 7.1% for a total sum of \$1,522.50, for his March 1, 1983 right hand injury.
- (4) The applicant is not entitled to any additional temporary total disability claimed.
- (5) Applicant is entitled to an apportioned award.
- (6) The issue of medical-legal liens is deferred.

- (7) The applicant is not entitled to future medical care to cure or relieve from the effects of the injuries sustained herein.
- (8) The applicant is not entitled to reimbursement for any self-procured orthopedic treatment occurring after 1989.
- (9) Applicant's attorney is entitled to an attorney's fee of \$228.37.

AWARD

AWARD IS MADE in favor of ALEJANDRO FLORES against NATIONAL UNION FIRE INSURANCE COMPANY/CRAWFORD & COMPANY as follows:

- (a) Permanent disability in accordance with Finding No. 2 herein;
- (b) Medical-legal liens to be deferred;
- (c) Attorney's fee in accordance with Finding No. 8 above.

ORDER

IT IS ORDERED that applicant take nothing further.

Filed and Served by mail on: NOV 10 1998
On all parties on the
Official Address Record.

By: Connie Holman
Connie Holman

George C. Reny
GEORGE C. RENY
WORKERS' COMPENSATION JUDGE

CASE NOS. LAO 535957; 574427; 587670; 587671

ALEJANDRO FLORES

v.

WINCHELL'S DONUT HOUSE;
NATIONAL UNION FIRE
INSURANCE COMPANY/
CRAWFORD & COMPANY,

DATES OF INJURY:

August 30, 1978 - August
26, 1988, (LAO 587671--
Master File);
July 21, 1988,
(LAO 587670); July 25,
1987, (LAO 574427);
March 1, 1983,
(LAO 535957),

WORKERS' COMPENSATION JUDGE:

GEORGE C. RENY

JOINT OPINION ON DECISION

LAO 587671--INJURY AOE/COE RE: APPLICANT'S
CUMULATIVE TRAUMA CLAIM FOR EMOTIONAL
STRESS/INTERNAL INJURIES:

Based upon a review of the entire record and the medical report of Dr. John Stalberg, M. D. , dated December 29, 1997, the psychiatric AME, which is found to be the better reasoned and more persuasive, it is found that applicant did not sustain a compensable emotional injury, specifically the doctor attributes all of applicant's disability to the fact that he was terminated and no other events. Therefore, pursuant to the case of Kenneth Gray v. WCAB 59 CCC 475, a Court of Appeals, Second District Case, this claim is non-compensable.

Additionally, it is found that the applicant did not sustain any internal injuries based upon a review of the entire record and the defense medical-legal report of Dr. Timothy Reynolds, dated June 18, 1990, which is found to be the better reasoned and more persuasive.

LAO 535957--PERMANENT DISABILITY:

Based upon a review of the entire record, the medical report of Dr. Harris, the orthopedic AME in this matter, dated October 17, 1997, and the stipulations of the parties, it is found that the applicant sustained permanent disability to his right hand, which rates out as follows: 1/4(16.812-36%-41C-28-29:0) 7:1%, equivalent to 21.75 weeks of disability payable at \$70.00 a week in the total sum of \$1,522.50.

LAO 587671--TEMPORARY DISABILITY:

Based upon a review of the entire record, the applicant is not entitled to the temporary total disability claimed.

LAO 535957--APPORTIONMENT:

There being no persuasive evidence supporting apportionment in accordance with correct legal principles, applicant is entitled to an unapportioned award.

MEDICAL-LEGAL LIENS (ALL CASES):

Due to the complexity of the lien issues previously outlined in the Stipulations and Issues the lien claims of record are being deferred. Specifically, a lien conference will be set on notice by the Board forthwith. The parties, as well as lien claimants, will be ordered to file pre-lien-trial briefs setting out all the issues including the duplication argument raised by defendant.

NEED FOR FURTHER MEDICAL TREATMENT (ALL CASES):

Based upon a review of the entire record and the medical report of Dr. Harris, the AME in this matter, which is better reasoned and more persuasive, it is found that the applicant is not entitled to future medical care to cure or relieve from the effects of the orthopedic injury sustained herein.

LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT (ALL CASES):

Based upon a review of the entire record, the medical report of Dr. Harris, the AME in this matter, it is found that the applicant is not

entitled to be reimbursed for any self-procured orthopedic medical treatment that has occurred after 1989. The defendant is not liable for any self-procured internal or psychiatric treatment.

ATTORNEY FEES (ALL CASES):

Based on the WCAB Rules of Practice and Procedure, section 10775, the guidelines for awarding attorney fees found in Policy and Procedure Manual Index Number 6.8.4, an attorney fee is found to be \$228.37 which shall be commuted from the final weekly payments of the award.

Dated: NOV 10 1998



GEORGE C. RENY
WORKERS' COMPENSATION JUDGE

GCR/ch