

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

COPY

Case No. VNO 417782

KEISHA ANN LOCKETT,

Applicants,

vs.

BOISE CASCADE; SEDGWICK CLAIMS
MANAGEMENT SERVICES,

Defendants.

FINDINGS AND AWARD

KEISHA ANN LOCKETT
Proper Applicant

KEGEL, TOBIN & TRUCE
By Courtney E. Harris, Esq.
Attorneys for Defendants.

* * * * *

Application having been filed herein, all parties having appeared, and the matter having been regularly submitted, the Honorable JULIANNE S. REEVES, Workers' Compensation Administrative Law Judge, finds and awards as follows:

FINDING OF FACT

- 1) Applicant, Keshia Ann Lockett, born 7/20/1970, while employed during the period 3/2/00 through 9/28/00 as a distribution specialist, Occupational Group No. 360, at Garden Grove, California, by Boise Cascade, did not sustain injury to her legs, heels, ankles, low back or knees arising out of and occurring in the course of her employment.

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

- 2) Applicant reasonably, actually, and necessarily incurred medical-legal expenses in amounts to be adjusted by the parties or to be determined upon the filing of a petition and supporting documents.
- 3) All other issues have been rendered moot.

AWARD

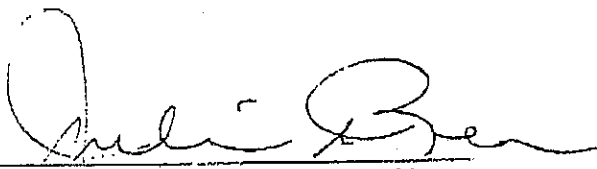
AWARD IS MADE in favor of Keshia Ann Lockett, against Boise Cascade, as follows:

- 1) Reimbursement of medical-legal costs as provided in finding No. 2.

ORDER

IT IS HEREBY ORDERED that applicant take nothing further, with the exception of medical-legal costs as awarded.

Dated: May 6, 2005



 JULIANNE S. REEVES
 Workers' Compensation Administrative Law Judge

Service by mail on:

By: Betty 5-6-05
Betty Makarian

"A Petition for Reconsideration from this decision shall be filed only at the Van Nuys district office of the Workers' Compensation Appeals Board"

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

WCAB CASE NUMBER: VNO 417782

KESHIA ANN LOCKETT,

vs.

BOISE CASCADE; SEDGWICK
CLAIMS MNGT. SRVS.,

JUDGE: JULIANNE REEVES

DATE: May 6, 2005

OPINION ON DECISION

STIPULATIONS OF THE PARTIES

Applicant, Keshia Ann Lockett, born 7-20-72, while employed during the period 3-2-00 through 9-28-00 as a distribution specialist, Occupational Group No. 360, at Garden Grove, California, by Boise Cascade, permissibly self-insured, claimed to have sustained injury arising out of and occurring in the course of employment to her legs, heels, ankles, low back and knees.

DISCUSSION OF ISSUES RAISED

INJURY AOE/COE:

Applicant began work for Boise Cascade nine months after she had been in a motor vehicle accident on May 30, 1999. Applicant was an individual who ran track from age 7 through age 14, participating in the 100, 200, 440 relay and serving as anchor for the 440 and long jump (Summary of Evidence, page 9, lines 12-14); played basketball in high school; rode a

bike; walked on the beach and fast walked on the bike (walk) lane prior to that 5/13/99 motor vehicle accident (Defendant's Exhibit G, Deposition, p 87).

Although she initially denied hurting her left knee in the 5/13/99 motor vehicle accident (Summary of Evidence, page 7, lines 8-9) the medical records are clear that when her car was struck on the driver's side when both cars were traveling at speeds of approximately 55 miles per hour, she sustained injuries to her head and chest (when struck against the steering wheel) and left shoulder and left knee (struck against the door), both legs, upper back, lower back, neck, both arms, both knees, chest, both hips and left shoulder. (Defendant's G, 2/25/00 report of Harold Cardinal Varery, M.D.)

Applicant was treated for the motor vehicle accident by Chiropractor Randy Massey whose records were reviewed by Dr. Harry Marinow in his report of March 4, 2004. In that report Dr. Marinow states that Dr. Massey's narrative report of January 28, 2000 said that applicant described her complaints after standing or after prolonged periods of walking and was instructed to continue ice packs at home, along with exercises to include walking. Dr. Marinow notes that these lower extremity complaints were in evidence prior to her employment activities as a warehouse worker with Boise Cascade from March 2000 through September 27, 2000. (Defendant's Exhibit C, 3/4/04 report, page 10).

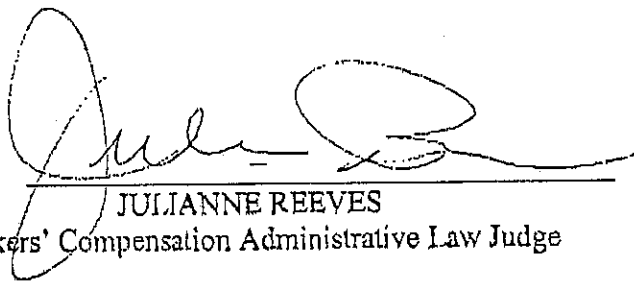
The belief that the complaints dated back to the motor vehicle accident of 1999 is corroborated by a 9/26/00 entry from the Kaiser records (Defendant's Exhibit F): "shocking pain in legs and calves for months. MVA May 30, 1999, hasn't been the same since."

Based upon a review of the entire medical record, applicant's testimony which was inconsistent, and the medical reports of Dr. Harry Marinow of 2/22/05, 3/4/04, 1/13/03, 8/2/02, 5/29/02, and 2/1/02, it is found that applicant did not sustain injury to her legs, heels, ankles, low

back and knees arising out of and occurring in the course of employment during the period 3/2/00 through 9/28/00.

MEDICAL-LEGAL COSTS:

Defendant is to be liable for medical-legal costs and jurisdiction will be reserved over said costs in the event they remain unpaid.



JULIANNE REEVES
Workers' Compensation Administrative Law Judge

JR:bm