

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD
30125 AGOURA ROAD, SECOND FLOOR
AGOURA HILLS, CALIFORNIA 91301

RONALD LOPEZ

Applicant:

vs.

CREDIT CARD SENTINEL;
ST PAUL FIRE & MARINE INSURANCE
COMPANY

Defendants.

Case No. AGO 0009482

MINUTES OF TRIAL HEARING;
WAIVER OF FORMAL TRIAL
PROCEEDINGS OF LABOR CODE
SECTION 5313, ETC. AND OPINION
ON DECISION AND AWARD

This case stands submitted on the November 22, 1993 "Issues and Stipulations".

Even though applicant personally appeared at the November 22, 1993 trial, he refused to go forward and testify.

The medical reports contain false and inaccurate histories. Some people were apparently so anxious to make money in this case that they did not wait reasonable time periods.

The overall impression is that lien claimants merely wanted to make a fast buck off of a workers' compensation system without accurately checking their facts and/or preparing supplemental reports after corrected facts were made available.

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While applicant's attorney did appear at a deposition, the factual pattern is sufficient to suggest a need for more than fifteen (15) minutes preparation such that because of the lack of preparation no one appears to have really had a good faith belief in the validity of the claims. Attorneys fees are discretionary.

FINDING AND ORDER


- 1. Applicant has failed to prove a contested case of injury AOE/COE.
- 2. None of the liens and bills appear necessary or reasonable.
- 3. No attorney fee is awarded.

Applicant is to take nothing herein and all liens are disallowed.

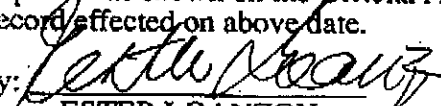
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Dated: NOVEMBER 23, 1993


 JEROLD S. COHN
 Presiding Workers' Compensation Judge

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By: 
 ESTER LOANZON

[] I hereby certify that I will serve all parties and lien claimants of record with copies of this order.

WST / Mi

State of California
WORKERS COMPENSATION APPEALS BOARD

CASE NO. AGO 0007555

CHRISTOPHER CRAWFORD

vs. SALEEN HIGH
PERFORMANCE AUTO
PARTS

WORKERS' COMPENSATION JUDGE

JEROLD S. COHN

DATE OF INJURY

10-02-90 TO
10-02-91

OPINION ON DECISION

The facts of this case lead to the following analysis:

Applicant had been employed by defendant, Saleen High Performance Auto Parts (herein called the "employer" at times), for more than 1 year with the last day of work being 10-02-91.

During that period the employer, due to slow downs in business, had to lay applicant off twice, the last time being on 10-02-92.

After the last layoff applicant saw an advertisement on television and sought medical treatment from the advertisers or the persons to whom the advertisers sent him.

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Although the evidence is not clear beyond any reasonable doubt, it appears that either the advertisers and/or the doctors and/or the lawyers for the applicant (a Van Nuys medical clinic, Amerimed, and/or Civic Law Center) have come to contend that the applicant's work caused him stress that disables applicant psychologically. The Amerimed doctors state that "apportionment is not indicated". P.9 of 01-02-92 report. The doctors apparently did not feel that the purported \$2,000 in traffic tickets, the break up with the girl friend, the scar from the knife fight or any other work or non-work environment effected this applicant.

One might wonder why only one report (on 01-02-92) was forthcoming in light of the October 1992 visits and applicant's statement about 3 treatment sessions. The "E" Exhibit is interesting. It contains information about the collection philosophy of "Lein Collections, Inc. and Micheal J. Lightness, its founder, an Introduction to Workers Compensation by Sydney J. Gordon", some contracts or contract involving James W. Eisenberg Medical Corporation and a Dr. Groves, a 03-10-92 memo from Robert Y. Lippert for referrals.

I am assessing all the evidence on this case, I do not get the impression that applicant sustained any industrial injury, nor do I feel that a person would have expected to be paid by industry for any treatment or tests or reports in this case.

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A logical and reasonable explanation is that after being fired he followed up on a television advertisement, the providers examined and treated him and did not report until 4 months later to avoid the consequences of pre claim form medical report. The applicant, after being fired, went on to work 2 jobs at a time and is still employed at one. The other he would have stayed with, just as he would have stayed at Saleen High Performance Auto Parts, except for his being terminated (from the former because the job was seasonal and from the latter due to a slow down).

The medical legal report on behalf of applicant fails to contain as accurate a history as one might expect.

It contains language and grammar that make it clear that it is authored by two persons, or more, leading to some ambiguity. E.g. "He [applicant] is said to have undergone this [continuous] stress and harassment while employed with Saleen". P.1, l.8 or 06-29-92 report. Not only is no specific stressful act described, applicant's testimony fails to support the quoted language. Furthermore, the report itself is incredible as is some of applicant's testimony not very convincing.

The report's conclusion of an overall slight to moderate psychiatric disability seems exaggerated in light of all the other evidence.

The overall impression given by the evidence in this case is that applicant was the victim of a weak economy and may further

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have become the victim of a medical provider in an attempt to obtain money for reports and treatment from the Workers Compensation system.

In order to be entitled to benefits the applicant must prove by a mere preponderance of the evidence that he sustained an injury arising out of and in the course of his employment. In order for the medical group to prevail it must prove that its services were necessary and reasonable.

It does not appear that the person(s) having the burden of proof in this case have done so.

ORDER

It is ordered that applicant take nothing herein, that all liens be and are disallowed.

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Dated: June 28, 1993
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By: Kertie Daanzen


JEROLD S. COHN
Presiding Workers' Compensation Judge