

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

Case No. VEN 082905, 86949

MARIA LOPEZ,

*Applicant*

v.

SECURITY PACIFIC BANK;  
Permissibly Self-insured,

*Defendants.*

JOINT  
Findings, Award and Order

For Applicant: Robert Heller, Esq.  
For Defendant: Kegel, Tobin & Truce, by Charles Maki, Esq.  
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The above-entitled matter having been heard and regularly submitted, the  
HONORABLE DANNY D. HULLINGER, Workers' Compensation Judge, now makes  
his decision as follows:

FINDINGS OF FACT

1. Maria Lopez, born September 6, 1963, while employed as a bank teller, at Oxnard, California, on August, 1990 and from October 16, 1990 to October 15, 1991, by Security Pacific Bank, who was then permissibly self-insured, did not sustain injury arising out of and occurring in the course of her employment to her psyche, headaches or back.
2. The stipulations in the Minutes of Hearing are accepted as true and are incorporated herein by reference as Findings of Fact.
3. Applicant is entitled to reimbursement of medical-legal costs in an amount to be adjusted by and between the parties.

**AWARD**

AWARD IS MADE in favor of MARIA LOPEZ against SECURITY  
PACIFIC BANK/PERMISSIBLY SELF-INSURED of:

Medical-legal costs in an amount to be adjusted by and between the parties.

**ORDER**

IT IS ORDERED that applicant shall otherwise take nothing.

Filed and Served by mail on: MAR 05 1993  
On all parties on the  
Official Address Record.  
By: *Mayu Chikawa*

  
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DANNY D. HULLINGER  
WORKERS' COMPENSATION JUDGE

A PETITION FOR RECONSIDERATION FROM THIS DECISION SHALL BE FILED  
ONLY AT THE VENTURA DISTRICT OFFICE OF THE WORKERS'  
COMPENSATION APPEALS BOARD.

1 JOINT OPINION ON DECISION

2 This matter having been set for Mandatory Settlement  
3 Conference on December 15, 1992, no Mandatory Settlement  
4 Conference was filed on behalf of applicant either prior to or at time  
5 of the MSC. At the time of the MSC, defense counsel argued applicant  
6 should neither be allowed to submit documentary evidence or oral  
7 testimony, having failed to list documents to be presented and  
8 witnesses to be called.

9 By Proof of Service dated December 17, 1992, applicant did  
10 serve an MSC Statement dated December 15, 1992. Applicant's MSC  
11 Statement was received at the Board December 21, 1992. Applicant  
12 neither filed an MSC Statement nor shown good cause for relief from  
13 the failure with their Points and Authorities, applicant will be  
14 precluded from presenting documentary evidence and oral testimony  
15 with the Motion to Vacate the Order of Submission being denied.

16 Based upon a review of the entire medical record as  
17 submitted, it is found that applicant did not sustain injury to her  
18 psyche, back or headaches arising out of and occurring in the course  
19 of employment on August, 1990 and during the period of October 16,  
20 1990 to and including October 15, 1991. No evidence being  
21 admissible on behalf of applicant, applicant did not sustain her  
22 burden of proof.

23 Based on the finding that applicant did not sustain injury  
24 arising out of and in the course and scope of employment, all liens  
25 for self-procured medical treatment to cure or relieve from the  
26 effects of these alleged injuries are denied. No evidence being  
27 presented as to medical-legal costs, defendant will be ordered to pay,

1 those medical-legal liens not subject to timely objection at the 80th  
2 percentile and to pay, adjust or litigate the balance of medical-legal  
3 expense with jurisdiction reserved.

4 Based on the finding that applicant did not sustain injury  
5 arising out of and occurring in the course and scope of employment,  
6 the Employment Development Department is not entitled to recovery  
7 and their entire lien is disallowed.

8 The stipulations as entered into between the parties at time  
9 of hearing are accepted as true and are incorporated herein by  
10 reference.

11 There being no pool of funds against which attorney fees can  
12 be assessed, there shall be no award of attorney fees.

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17 DANNY D. HULLINGER  
18 WORKERS' COMPENSATION JUDGE

19 DDH:mc

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27 Lopez, Maria

28 VEN 82905, 86949 Opinion

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