

WJT

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. VNO 358567

YVETTE MORRISON,

Applicant,

vs.

CITY OF LOS ANGELES;
PERMISSIBLY SELF-INSURED,

Defendants.

FINDINGS AND ORDER

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

FINDINGS OF FACT

- (1) YVETTE MORRISON, born 1/14/73, while employed on November 4, 1996, as a police officer at Los Angeles, California by CITY OF LOS ANGELES, then PERMISSIBLY SELF-INSURED, did not sustain injury arising out of and in the course of employment to the back and both knees.
- (2) Applicant incurred reasonable and necessary Labor Code section 5811 costs payable by defendant to Lewis, Marenstein, Wicke & Sherwin in the sum of \$76.50, less credit for sums paid.
- (3) Jurisdiction is reserved over outstanding medical-legal lien claim of Dr. Robert W. Hunt, with parties to attempt informal resolution of same, or to be determined in supplemental proceedings upon the filing of a D.O.R.
- (4) All other issues are rendered moot.

ORDER

IT IS ORDERED that applicant TAKE NOTHING by way of her Application for Adjudication of Claim.

IT IS FURTHER ORDERED that defendant pay Labor Code section 5811 costs in accordance with Findings of Fact No. 2 above, and that jurisdiction be reserved over outstanding medical-legal lien of Dr. Hunt in accordance with Findings of Fact No. 3, above.

DATED: 8-31-99

Filed and Served by mail on
above date on all parties/liens
on the Official Address Record.

By: Mary Garcia

Mary Garcia



RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE

CASE NO. VNO 358567

YVETTE MORRISON

v.

CITY OF LOS ANGELES;
PERMISSIBLY SELF-INSURED

DATE OF INJURY:

NOVEMBER 4, 1996

WORKERS' COMPENSATION JUDGE:

RALPH ZAMUDIO

DATE:

AUGUST 31, 1999

OPINION ON DECISION

Applicant, Yvette Morrison, born 1/14/73, while employed on November 4, 1996, as a police officer at Los Angeles, California by City of Los Angeles, then Permissibly Self-Insured, claims to have sustained injury arising out of and in the course of employment to the back and both knees. Defendant denies injury AOE/COE. The matter was tried at hearing held on May 20, 1999. Documents, and medical reports were received in evidence, and the testimony of Applicant, and defense witness Maria Martinez (former drill instructor) was taken at said hearing.

The undersigned has had an opportunity to review the entire record, including documentary evidence, designated subpoenaed records, medical reports, and to observe the manner and demeanor of the witnesses when they gave testimony. Found credible is the testimony of defense witness, Maria Martinez. Full weight is given to her testimony. Not credible is the testimony of Applicant. Full weight is given to the medical opinion of Dr. Bruce M. Albert dated 6/30/98. Minimal weight is given to the opinion expressed by Dr. Robert W. Hunt dated 2/4/98. It is well established that the relevant and considered opinion of one physician, though inconsistent with other medical opinions, may constitute substantial evidence. *Place v. W.C.A.B.* (1970) 3 Cal. 3d 372, 90 Cal. Rptr. 424, (35 Cal. Comp. Cases 525).

Based upon review of the entire record, including but not limited to the medical opinion of Dr. Bruce M. Albert dated 6/30/98, it is found that Yvette Morrison, born 1/14/73, while employed on November 4, 1996, as a police officer at Los Angeles, California by City of Los Angeles, then Permissibly Self-Insured, did not sustain injury arising out of and in the course of employment to the back and both knees.

As set forth in the Minutes of Hearing of 5/20/99, at 5:19-24, the lien of Microstat in the sum of \$227.95 has been paid by defendant, and is rendered moot. Defendant agreed to withdraw its motion to disallow the lien of Dr. Robert W. Hunt, and seek reimbursement for the \$500.00 payment it made to said lien claimant. In dispute is Dr. Hunt's \$250.00 balance outstanding for medical-legal services. Because said lien claimant was not served with notice of trial, jurisdiction is reserved over the issue of Dr. Hunt's outstanding medical-legal lien balance with parties to attempt informal resolution of said lien or to be determined in supplemental proceedings upon the filing of a declaration of readiness to proceed.

Also placed in issue is the lien of Lewis, Marenstein, Wicke & Sherwin in the sum of \$76.50 for costs under Labor Code section 5811 (subpoena expenses). Based upon review of the record, it is found Applicant incurred reasonable and necessary Labor Code section 5811 costs payable by defendant to Lewis, Marenstein, Wicke & Sherwin in the sum of \$76.50, less credit for sums paid.

All other issues are rendered moot. Applicant to take nothing by way of her Application for Adjudication of Claim.



RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE