

STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION

Case No. PAS 22835

MANUEL PANIAGUA,

Applicant

vs.

BECKER MANUFACTURING COMPANY;
REPUBLIC INDEMNITY COMPANY,

Defendants.

FINDINGS & ORDER

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

FINDINGS OF FACT

1. Manuel Paniagua, born May 25, 1955, while employed during the period September 6, 1979 through December 6, 1990, as a painter, at City of Industry, California, by Becker Manufacturing Company, whose compensation insurance carrier was Republic Indemnity Company, did not sustain injury arising out of and occurring in the course of his employment to his head and internal system.

2. All liens relating to self-procured medical treatment are denied.

3. Applicant reasonably, actually and necessarily incurred expense to prove a contested case, payable by defendant, in amounts to be adjusted by the parties or determined herein upon the filing of a petition and supporting documents.

4. All other issues are moot.

A W A R D

AWARD IS MADE in favor of MANUEL PANIAGUA against REPUBLIC INDEMNITY COMPANY of reimbursement for medical-legal costs, as provided in Finding No. 3 above.

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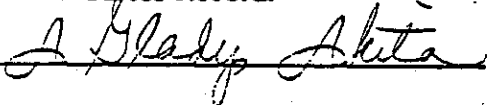
ORDER

IT IS ORDERED that applicant take nothing by reason of his application filed herein on September 8, 1993.



RUSSELL G. ZARETT
WORKERS' COMPENSATION JUDGE

Filed and Served by mail on: JUN. 6th 1994
On parties as shown on the
Official Address Record.

By: 

PAS 22835

CASE NO. PAS 22835

MANUEL PANIAGUA

vs.

BECKER MFG. CO.;
REPUBLIC INDEM. CO.

Date of Injury: 9/6/79 thru 12/6/90

Workers' Compensation Judge: RUSSELL G. ZARETT

Dated:

JUN. 6 1994

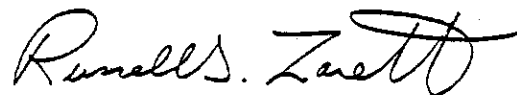
OPINION ON DECISION

Based upon the credible testimony of Patricia Janes and Dan Seyller, supported by the medical opinion of Dr. Robert F. Meth, as stated in his report of October 5, 1993, it is found that the applicant did not sustain injury to his head and internal system, arising out of and occurring in the course of employment during the period September 6, 1979 through December 6, 1990. It is noted that the applicant has no objective findings to support his complaints, even in the medical report of Dr. Arnold Fox of the October 15, 1991 examination, obtained by applicant.

All liens relating to self-procured medical treatment are denied.

All medical-legal liens are to be adjusted between the parties with jurisdiction of the Board reserved.

All other issues are moot.



RUSSELL G. ZARETT
Workers' Compensation Judge

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STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION

Case No. PAS 22834

MANUEL PANIAGUA,

Applicant

vs.

BECKER MANUFACTURING COMPANY;
REPUBLIC INDEMNITY COMPANY,

Defendants.

FINDINGS & AWARD

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

FINDINGS OF FACT

1. Manuel Paniagua, born May 25, 1955, while employed in October, 1990, as a painter, at City of Industry, California, by Becker Manufacturing Company, whose compensation insurance carrier was Republic Indemnity Company, sustained injury arising out of and occurring in the course of his employment to his left minor middle finger only.

2. At the time of the alleged injury, applicant's earnings were \$200.00 per week, warranting indemnity rate of \$133.33 for permanent disability.

3. This injury caused permanent disability of 2-3/4, equivalent to \$1,099.97, payable forthwith.

4. There is no basis for apportionment.

5. Further medical treatment to cure or relieve from the effects of this injury is not required.

6. All liens for self-procured medical treatment are denied since there is no evidence that applicant received medical treatment for this injury that was reasonably necessary to cure or relieve from the effects of the injury.

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MANUEL PANIAGUA

vs.

BECKER MFG. CO.;
REPUBLIC INDEM. CO.

Date of Injury: 10/90

Workers' Compensation Judge: RUSSELL G. ZARETT

Dated: JUN. 6 1994

OPINION ON DECISION

INJURY ARISING OUT OF AND OCCURRING IN THE COURSE OF
EMPLOYMENT:

Based upon applicant's testimony and the medical reports of William McColl dated June 7, 1991 and Russell W. Nelson, M.D. dated November 26, 1991, it is found that applicant sustained injury to his left minor middle finger only arising out of and occurring in the course of employment in October, 1990.

PERMANENT DISABILITY:

The factors of permanent disability set forth in the rating instructions are based upon applicant's testimony, with due consideration to his credibility and demeanor as a witness and the range of medical evidence in the record.

There having been neither objection to the recommended rating nor a timely request for cross-examination of the disability evaluation specialist, in accordance with the rater's recommendation, it is found that applicant is entitled to a permanent disability award of 2-3/4%, in the total sum of \$1,099.97, payable forthwith.

APPORTIONMENT:

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

NEED FOR FURTHER MEDICAL TREATMENT:

Based upon the medical report of Dr. McColl of June 7, 1991, it is found that applicant is not in need of further medical treatment to cure or relieve from the effects of the injury herein.

SELF-PROCURED MEDICAL TREATMENT:

All liens for self-procured medical treatment are denied since there is no evidence that applicant received medical treatment for this injury that was reasonably necessary to cure or relieve from the effects of the injury.

MEDICAL-LEGAL COSTS:

Applicant incurred reasonable and necessary medical-legal expenses, in amounts to be adjusted by the parties or determined herein upon the filing of a petition and supporting documents.

LIEN OF EMPLOYMENT DEVELOPMENT DEPARTMENT:

Based on applicant's testimony that he continued working after the injury until December 6, 1990, Employment Development Department is not entitled to recover and their entire lien is disallowed.

COMPLIANCE OF EMPLOYER UNDER L.C. SECTIONS 3550 & 3551:

Based upon the testimony of Patricia Janes, it is found that the employer complied with Labor Code Sections 3550 and 3551/notice of requirements.

ATTORNEY FEES:

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 \$150.00



RUSSELL G. ZARETT
WORKERS' COMPENSATION JUDGE

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