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STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

BRUCE RAFAH,

APPLICANT,

vs.

SOUTHERN CALIFORNIA RAPID TRANSIT
DISTRICT, Permissibly Self Insured
DEFENDANT,

CASES NO. LAO 0529651; LAO 0560445

JOINT
FINDINGS AND AWARD
AND ORDERS

ROSE, KLEIN & MARIAS by EDWARD R. ORTEGA,
Attorneys for Lien Claimant

KEGEL, TOBIN & TRUCE by PAUL RYAN
Attorneys for Defendant

* * * * *

Pursuant to applications filed herein, parties having appeared, and the matter having been regularly submitted for decision, the Honorable Barbara Burke, Workers' Compensation Judge finds and awards as follows:

JOINT FINDINGS OF FACT

1. Bruce Rafah, born December 5, 1949, while employed as a bus driver at Los Angeles, California by Southern California Rapid Transit District, permissibly self insured, did not sustain injury arising out of and occurring in the course of his employment to his pulmonary system March 1, 1984 through September 1988 [LAO 0529651] and did sustain injury arising out of and occurring in the course of his employment to his right hand April 21, 1987 [LAO 0560445].

B. Rafah page -2

2. Applicant has been adequately compensated for temporary disability in LAO 0560445.

3. Injury in LAO 0560445 did not cause need for further medical treatment.

4. There is no ratable permanent disability from injury in LAO 0560445.

5. Reasonable expense to prove a contested claim was incurred in LAO 0529651 of \$500.00 to Rose, Klein & Marias, \$319.59, \$255.86, and \$261.89 to SAK Photocopy, \$1,105.00 to Dr. Quinones, \$703.00 to Cardiopulmonary Laboratory, and \$500.00 to Dr. Sergeant, and in LAO 0529651, \$1,465.00 (as of 9/20/88) to Eleventh Avenue Medical Group.

6. No funds are available for attorneys' fees.

JOINT AWARD

AWARD IS MADE against Southern California Rapid Transit District and in favor of medical legal providers in Finding 5, above.

JOINT ORDERS

IT IS ORDERED that lien claimants Employment Development Department, Kaiser Foundation Hospital/Southern California Permanente Medical Group, and Department of Veterans Affairs take nothing herein.

IT IS FURTHER ORDERED that applicant Bruce Rafah take nothing further herein.

Dated: February 28, 1994

Served by mail 02/28/94
on Parties as shown on
the Official Address
Record by: B. Burke


BARBARA BURKE
Workers' Compensation Judge

CASES NO. LAO 0529651; LAO 0529657

BRUCE RAFAH

vs.

SOUTHERN CALIFORNIA RAPID
TRANSIT DISTRICT

WORKERS' COMPENSATION JUDGE:

BARBARA BURKE

DATES OF INJURY:

3/1/84-9/88; 2/21/87

JOINT OPINION ON DECISION

LAO0529651

Reliance is placed on the substantial medical evidence in the opinion of AME A. Markowitz, M.D. in determining applicant did not sustain injury arising out of and occurring in the course of his employment March 1, 1984 through September 1988 to his pulmonary system. I accept applicant's credible sworn testimony that he did not have a pre-employment history of asthma but rely on AME Markowitz' opinion that applicant's industrial exposure did not cause his asthma.

Reasonable expense to prove a contested claim was incurred for which defendant is liable to Rose, Klein & Marias, \$500.00, SAK Photocopy, \$319.59, \$255.86, \$261.89, and Dr. Quinones, \$1,105.00, Cardiopulmonary Laboratory, \$703.00, and Dr. Sergeant, \$500.00.

All other issues are moot, except as to the liens of Employment Development Department, the Department of Veterans' Affairs, and Kaiser Foundation Hospital/Southern California Permanent Medical Group.

LAO0529651

Reliance is placed on the substantial medical evidence in the opinion of C. Lane, M.D. in determining applicant has no residual ratable disability as of the date of Dr. Lane's evaluation residual to injury February 21, 1987 to the right hand. The issue of permanent disability was properly and timely raised.

I find applicant has been adequately compensated for temporary disability herein.

Reasonable expense to prove a contested claim was provided by 11th Avenue Medical Group in the sum of \$1,465.00 (as of 9/20/88).

Dated: 02/28/94
At Los Angeles
California


BARBARA BURKE
Workers' Compensation Judge