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STATE OF CALIFO
WORKERS' COMPENSATION

Case No. NOR 185393

IGNACIO REGALADO,

Applicant,

vs.

HELI-DYNE, INCORPORATED;
REPUBLIC INDEMNITY CO. OF AMERICA,

Defendants.

FINDINGS AND AWARD

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) IGNACIO REGALADO, born October 23, 1959, while employed on October 9, 1990 as a janitor & helicopter mechanic's helper, at Long Beach, California by HELI-DYNE, INCORPORATED, whose workers' compensation insurance carrier was REPUBLIC INDEMNITY COMPANY OF AMERICA, did not sustain injury arising out of and occurring in the course of employment to his eyes, chest, face, headaches, and hands.
- (2) IGNACIO REGALADO, born October 23, 1959, while employed on January 14, 1991 as a janitor & helicopter mechanic's helper, at Long Beach, California by HELI-DYNE, INCORPORATED, whose workers' compensation insurance carrier was REPUBLIC INDEMNITY COMPANY OF AMERICA, did sustain injury arising out of and occurring in the course of employment to his eyes.
- (3) To correct for clerical error in the transcription of the 10/19/95 Minutes of Hearing, the following corrections are made by interlineation: at page 7, line 16, "Applicant explains" should read "The witness explained . . ."; at page 2, line 19, parties should insert the following: "WCAB Exhibit X-1"; at page 2, line 20, parties should insert the following: "Deposition of AME Dr. Marshall J. Keyes, dated 3/10/95." To also correct for clerical error in the transcription of the 6/2/94 Minutes of Hearing, the following corrections are made by interlineation: at page 4, lines 5 & 9, "January 11, 1991" should read "January 14, 1991". The stipulations in the Minutes of Hearing of August 7, 1995, October 31, 1995, and January 1, 1996, as amended, are true and are incorporated herein by reference.
- (4) There was no compensable lost time due to this January 14, 1991 injury.

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- (5) Applicant's injury caused no permanent disability.
- (6) No future medical treatment is required to cure or relieve from the effects of applicant's ophthalmological injury.
- (7) Jurisdiction is reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, with parties to attempt informal resolution of same, or to be determined in supplemental proceedings upon the filing of a declaration of readiness to proceed.
- (8) All other issues have been rendered moot.

AWARD

AWARD IS MADE in favor of **IGNACIO REGALADO**, against **REPUBLIC INDEMNITY COMPANY OF AMERICA** payable as follows:

- (a) Medical-legal lien claims, & defendant's petitions for restitution / reimbursement with respect to same, in accordance with Finding of Fact No. 7 above.

NOTICE: A Petition for Reconsideration from this decision shall be filed only at the Van Nuys district office of the WCAB in accordance with Board Rule 10840.

DATED: SEP 27 1996
Filed and Served by mail on
above date on all parties/liens
on the Official Address Record.
By: Linda Hall
Linda Hall



RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. NOR 174770

IGNACIO REGALADO,

Applicant,

vs.

HELI-DYNE, INCORPORATED;
REPUBLIC INDEMNITY CO. OF AMERICA,*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) IGNACIO REGALADO, born October 23, 1959, while employed during the period from May 1, 1990 through May 8, 1991, as a janitor & helicopter mechanic's helper at Long Beach, California by HELI-DYNE, INCORPORATED, whose workers' compensation insurance carrier was REPUBLIC INDEMNITY COMPANY OF AMERICA, did not sustain injury arising out of and occurring in the course of employment to his psyche, neck, back, nose, both shoulders, headaches, and internal.
- (2) To correct for clerical error in the transcription of the 10/19/95 Minutes of Hearing, the following corrections are made by interlineation: at page 7, line 16, "Applicant explains" should read "The witness explained . . ."; at page 2, line 19, parties should insert the following: "WCAB Exhibit X-1:"; at page 2, line 20, parties should insert the following: "Deposition of AME Dr. Marshall J. Keyes, dated 3/10/95." To also correct for clerical error in the transcription of the 6/2/94 Minutes of Hearing, the following corrections are made by interlineation: at page 4, lines 5 & 9, "January 11, 1991" should read "January 14, 1991". The stipulations in the Minutes of Hearing of August 7, 1995, October 31, 1995, and January 1, 1996, as amended, are true and are incorporated herein by reference.
- (3) Jurisdiction is reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, with parties to attempt informal resolution of same, or to be determined in supplemental proceedings upon the filing of a declaration of readiness to proceed.
- (4) All other issues have been rendered moot.

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ORDER

IT IS ORDERED that applicant TAKE NOTHING by way of his claim form(s).

IT IS FURTHER ORDERED that jurisdiction be reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, in accordance with Findings of Fact No. 3 above.

NOTICE: A Petition for Reconsideration from this decision shall be filed only at the Van Nuys district office of the WCAB in accordance with Board Rule 10840.

DATED **SEP 27 1996**
Filed and Served by mail on
above date on all parties/liens
on the Official Address Record.
By: *Linda Hall*
Linda Hall

Ralph Zamudio
RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

IGNACIO REGALADO,

Applicant,

vs.

HELI-DYNE, INCORPORATED;
REPUBLIC INDEMNITY CO. OF AMERICA,*Defendants.*

Case No. NOR 186991

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) IGNACIO REGALADO, born October 23, 1959, while employed on July 20, 1990 as a janitor & helicopter mechanic's helper, at Long Beach, California by HELI-DYNE, INCORPORATED, whose workers' compensation insurance carrier was REPUBLIC INDEMNITY COMPANY OF AMERICA, did not sustain injury arising out of and occurring in the course of employment to his back, both legs, both shoulders, and left ear.
- (2) To correct for clerical error in the transcription of the 10/19/95 Minutes of Hearing, the following corrections are made by interlineation: at page 7, line 16, "Applicant explains" should read "The witness explained . . ."; at page 2, line 19, parties should insert the following: "WCAB Exhibit X-1:"; at page 2, line 20, parties should insert the following: "Deposition of AME Dr. Marshall J. Keyes, dated 3/10/95." To also correct for clerical error in the transcription of the 6/2/94 Minutes of Hearing, the following corrections are made by interlineation: at page 4, lines 5 & 9, "January 11, 1991" should read "January 14, 1991". The stipulations in the Minutes of Hearing of August 7, 1995, October 31, 1995, and January 1, 1996, as amended, are true and are incorporated herein by reference.
- (3) Jurisdiction is reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, with parties to attempt informal resolution of same, or to be determined in supplemental proceedings upon the filing of a declaration of readiness to proceed.
- (4) All other issues have been rendered moot.

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ORDER

IT IS ORDERED that applicant TAKE NOTHING by way of his claim form(s).

IT IS FURTHER ORDERED that jurisdiction be reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, in accordance with Findings of Fact No. 3 above.

NOTICE: A Petition for Reconsideration from this decision shall be filed only at the Van Nuys district office of the WCAB in accordance with Board Rule 10840.

DATED: **SEP 27 1996**
Filed and Served by mail on
above date on all parties/liens
on the Official Address Record.
By: *Linda Hall*
Linda Hall



RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE

CASE NOs. NOR 174770; NOR 185393; NOR 186991

IGNACIO REGALADO

v.

HELI-DYNE, INCORPORATED;
REPUBLIC INDEMNITY CO. OF AMERICA

DATES OF INJURY:

5/1/90-5/8/91; 1/14/91; 7/20/90

WORKERS' COMPENSATION JUDGE:
DATE:

RALPH ZAMUDIO
SEPTEMBER 26, 1996

JOINT OPINION ON DECISION

[To correct for clerical error in the transcription of the 10/19/95 Minutes of Hearing, the following corrections are made by interlineation: at page 7, line 16, "Applicant explains" should read "The witness explained . . ."; at page 2, line 19, parties should insert the following: "WCAB Exhibit X-1:"; at page 2, line 20, parties should insert the following: "Deposition of AME Dr. Marshall J. Keyes, dated 3/10/95." To also correct for clerical error in the transcription of the 6/2/94 Minutes of Hearing, the following corrections are made by interlineation: at page 4, lines 5 & 9, "January 11, 1991" should read "January 14, 1991".]

The above-entitled matters were consolidated for trial, and heard on June 2, 1994, October 27, 1994, January 23, 1995, October 19, 1995, and January 26, 1996. Medical reports, documentary evidence, including applicant's testimony, the testimony of applicant's witness, Nicholas Rodriguez, and the testimony of defense witnesses, Alan Butler, Lynn August Carlson, Bill Bebieff, George Dela Torriente, Robert Dickinson, and Hilda Urias, including the cross-examination testimony of AME Dr. Marshall J. Keyes dated March 10, 1995, were received in evidence, and other exhibits were excluded and marked for identification only, as set forth in the Minutes of Hearing of June 2, 1994, October 27, 1994, January 23, 1995, October 19, 1995, and January 26, 1996. Case No. NOR 174770 was designated as the master file, and all exhibits were filed in said case in accordance with the order of consolidation of June 2, 1994.

In NOR 174770, applicant claims to have sustained injury AOE/COE to his psyche, neck, back, nose, both shoulders, headaches, and internal, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, during the period from May 1, 1990 through May 8, 1991, who was then insured for workers' compensation by Republic Indemnity Company of America. Defendant denies injury AOE/COE, and has provided no benefits in connection with said claim.

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In NOR 185393, applicant claims to have sustained injury AOE/COE to his eyes, chest, face, headaches, and hands, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, on October 9, 1990, who was then insured for workers' compensation by Republic Indemnity Company of America. Defendant denies injury AOE/COE on said date of alleged injury, however, it does admit injury AOE/COE to applicant's eyes only occurring on January 14, 1991. Defendant has provided no benefits in connection with said 10/9/90 injury claim.

In NOR 186991, applicant claims to have sustained injury AOE/COE to his back, both legs, both shoulders, and left ear, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, on July 20, 1990, who was then insured for workers' compensation by Republic Indemnity Company of America. Defendant denies injury AOE/COE, and has provided no benefits in connection with said claim.

In addition to alleging continuous trauma injury as noted above, applicant testified at trial that he sustained specific injury to his back on July 20, 1990 while pushing a helicopter out from a hanger so that it could be washed. He did so with the help of co-worker, Mark Hurd. He testified that in doing so he injured his neck, back, legs, and suffered pain to his right hand. He testified that he reported it that same day to his supervisor, Bill Bebieff, and requested medical care. It was not provided. Applicant further testified that he suffered injury to his eyes, face, neck, chest, and both hands on October 9, 1990, when he was sprayed with chemicals by Bill while applicant was in the process of taking out a helicopter to be washed. He testified that he did not receive treatment for either the 7/20/90 or 10/9/90 injuries until January 14, 1991, when he was finally referred to the main office by his supervisor Bill.

Applicant testified that the secretary at the main office, Judy Newmaker, told him he would be sent to a chiropractor and ophthalmologist only if he would state that his accident occurred on that same date, January 14, 1991. He testified that he refused to do so, and was sent nevertheless to see an ophthalmologist (Dr. Luke Conovaloff) on January 14, 1991, but not to a chiropractor. He testified that the secretary was committing a fraud by asking him to lie about the date of injury.

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Applicant testified that the next doctor he saw was Dr. J. Azari, an internist with Scheffield Medical Group. He was referred to that doctor after responding to a newspaper advertisement. He saw Dr. Azari on May 13, 1991, two days after his lay-off from defendant. On the same date he saw the doctor, he was also assigned an attorney (Moton Holt & John M. Garrisi). The doctor told him he had too much stress, and found problems with his back, legs, ears, neck, shoulders, emotions, and internal. He was told by Dr. Azari that he would be referred to other doctors. He was sent to Dr. Lloyd Tom, Dr. Beatriz Heller, Dr. Leonard Breslaw, Dr. Nora J. Baladerian, and Dr. Jay J. Richlin, among others. He was given therapy twice a week which helped a little. He did not personally meet the attorney until four months after he first saw Dr. Azari. Applicant testified he thought he was the victim of fraud because he had investigated Scheffield Medical Group. He believes he is a victim of the workers' compensation, medical, legal, and judicial system. He did not return to Scheffield, and instead sought evaluation from orthopedist, Dr. Mary Michel of Horizon Medical Group, and internist, Dr. Nachman Brautbar through his new representative.

Applicant was evaluated on behalf of defendant by internist, Dr. Paul J. Grodan, on December 18, 1991. Applicant testified that during the course of said evaluation, he was asked to take a treadmill test, and fell upon doing so. He testified that they thought he was feigning injury, and forced him to repeat the test, causing him to fall a second time. He told Dr. Grodan he could not continue the exam. [Dr. Grodan strongly denied applicant's account of said examination, by way of his supplemental report of January 5, 1995 (Defendant's Exhibit C).]

Applicant was referred to Agreed Medical Examiner, Dr. Marshall J. Keyes, on March 2, 1992 for evaluation in connection with his eye injury claim. Applicant testified at trial that in connection with said AME examination, then counsel for defendant, Robert Dickinson, had an improper ex parte communication with the AME prior to his arrival, and alleged that said attorney arranged with the AME that applicant be mistreated. He alleged that the AME behaved unprofessionally, screamed at him, and dilated his pupils for three or four hours, and then upon conclusion of said examination, told him that he found nothing wrong. Applicant testified that he continues to experience left eye pain and complaints due to the chemicals splashing in his eyes. This is in addition to other multiple bodily complaints. [The AME was deposed on March 10, 1995, after applicant gave the above-mentioned 10/27/94 trial testimony, and like Dr. Grodan, he strongly denied, and disputed applicant's 10/27/94 allegations (WCAB Exhibit X-1). Likewise,

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the testimony of Robert Dickinson and Hilda Urias (Dr. Keyes' receptionist) was taken on January 23, 1995, and they too denied applicant's bizarre allegations (See, Minutes & Summary of Evidence dated 1/23/95 at 6:2-7:10; 7:12-8:24.)

Nicholas Rodriguez, who was formerly employed by Air Flight as an assistant to a line supervisor, testified on behalf of applicant at trial herein. He testified that he learned of applicant's industrial injuries to his back, and his eyes through his casual contacts with applicant and Alan Butler, a helicopter mechanic, however, he could not recall the date and time of those injuries. He further testified that applicant had asked him to co-sign a loan at the suggestion of George Dela Torriente, a Heli-Dyne supervisor. He did so as George had given applicant a good recommendation, indicating he was a stable employee.

Testifying on behalf of defendant, in addition to the above-mentioned witnesses Robert Dickinson and Hilda Urias, were Alan Butler (former helicopter mechanic for defendant), Lynn August Carlson (Vice-President), Bill Bebieff (applicant's former supervisor), and George Dela Torriente (Co-owner of Heli-Dyne, Inc.).

Alan Butler testified that he did not recall any occasion where he learned or was told that applicant had injured his back while pulling a helicopter. He denied having any such conversation with Nicholas Rodriguez about any such injury. He first learned that applicant was alleging such injury when he was contacted about applicant's claim following applicant's termination. He did recall the incident when applicant was squirted in the face with cleaning fluid, and that applicant spoke to Bill Bebieff about that injury right away, and that he understood it was processed, and that applicant was sent to the main office for that injury. He further reiterated that neither Mark Hurd, Jorge Dela Torriente, Pablo Gutierrez, nor applicant ever told him that applicant had injured his back while pushing a helicopter.

Lynn A. Carlson testified that during applicant's employment with defendant [from 5/1/90 to 5/11/91], although he was not in charge of day-to-day activities, as an administrative Vice-President, he dealt with administrative matters, and sales functions. He would have had knowledge of injuries reported. He was aware of the incident where applicant was sprayed with washing solution. It was reported, and medical services were provided. [Dr. Luke Conovaloff's First Report of Work Injury dated 1/21/91 reflects said injury occurred on January 14, 1991

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(Defendant's Exhibit A).] He was not made aware from any source during applicant's employment with defendant that he had sustained or claimed injury to his back.

Bill Bebieff testified that applicant did not work as a helicopter mechanic, he was a mechanic's helper who worked under his supervision. Applicant did not report a back injury. Had he done so, a procedure was in place to report that injury to upper management. He testified that the only injury he was aware of was the one occurring when applicant was splashed with cleaning solution. For that injury, applicant was sent to the main office, paperwork was prepared, and he was sent to the doctor (Dr. Luke Conovaloff) according to procedure.

George Dela Torriente testified that he did not recall applicant reporting that he had injured his back while pushing and pulling a Bell 206 helicopter. He let applicant go because the company was experiencing financial problems. Alan Butler was not laid off.

I have had an opportunity to review the entire record, observe the manner and demeanor of the witnesses when they gave testimony, and to consider the medical evidence submitted herein. I was not impressed with applicant's testimony nor that of his witness, Nicholas Rodriguez, and find them not incredible. Found credible is the testimony of defense witnesses, Alan Butler, Lynn August Carlson, Bill Bebieff, George Dela Torriente, Robert Dickinson, and Hilda Urias. Full weight is given to their testimonies, as well as to the rebuttal testimony of Dr. Marshall J. Keyes as set forth in his cross-examination testimony of 3/10/95, and to the rebuttal of Dr. Paul J. Grodan, set forth in this supplemental report of January 5, 1995. Full weight is also given to the medical opinions of Dr. Grodan dated 12/26/91, and 1/5/95, Dr. Matthew A. Bernstein dated 8/21/92, and Dr. Andrew Roth dated 3/23/92 (Defendant's Exhibits A & C), and to the AME report of Dr. Marshall J. Keyes dated 4/25/93 (WCAB Exhibit X), as well as his cross-examination testimony of March 10, 1995 (WCAB Exhibit X-1). Unimpressive, and unreliable are the medical opinions procured and offered by applicant herein. No weight is given to applicant's medical evaluators.

Based upon review of the entire record, and for the reasons stated above, it is found that in NOR 174770, applicant did not sustain injury AOE/COE to his psyche, neck, back, nose, both shoulders, headaches, and internal, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, during the period from May 1, 1990 through May 8, 1991, who was then insured for workers' compensation by Republic Indemnity Company of America.

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Based upon review of the entire record, and for the reasons stated above, it is found that in NOR 186991, applicant did not sustained injury AOE/COE to his back, both legs, both shoulders, and left ear, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, on July 20, 1990, who was then insured for workers' compensation by Republic Indemnity Company of America.

Based upon review of the entire record, and for the reasons stated above, it is found that in NOR 185393, applicant did not sustained injury AOE/COE to his eyes, chest, face, headaches, and hands, while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, on October 9, 1990, who was then insured for workers' compensation by Republic Indemnity Company of America. Based upon review of the entire record, and for the reasons stated above, it is found that in NOR 185393, applicant did sustain injury AOE/COE to his eyes while employed as a janitor & helicopter mechanic's helper by Heli-Dyne Incorporated, on January 14, 1991, who was then insured for workers' compensation by Republic Indemnity Company of America. Based upon review of the entire record, and the medical opinion of AME Dr. Marshall J. Keyes, it is found that said January 14, 1991 specific injury resulted in no compensable lost time, no need for self-procured medical treatment, no permanent disability, and no need for future medical treatment. All treatment reasonably and necessarily required in connection with said January 14, 1991 injury was fully rendered by defendant.

Jurisdiction is reserved over medical-legal lien claims, and defendant's petitions for restitution / reimbursement with respect to same, with parties to attempt informal resolution of same, or to be determined in supplemental proceedings upon the filing of a declaration of readiness to proceed.

All other issues are rendered moot.


RALPH ZAMUDIO
WORKERS' COMPENSATION JUDGE