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STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. AHM 0029180

ANGELA STEWARD

Applicant

vs.

THE TRAVELERS INSURANCE COMPANY;
TRAVELERS INSURANCE

Defendants.

Findings & Order

An application having been filed herein; all parties having appeared and the matter having been regularly heard and submitted, the Honorable ELENA B. JACKSON, Workers' Compensation Judge, now makes her decision as follows:

FINDINGS OF FACT


1. Applicant, Angela Steward, born 12-15-59, while employed as a claims adjuster, during the period 11-91 through 3/29-93, in Brea, California, by Travelers Insurance Company, did not sustain injury arising out of and in the course of employment to her psyche, headaches, and internal.
2. Applicant is entitled to medical-legal expenses required to prove a contested claim. The liens for medical-legal expenses, properly and timely filed in accordance with statute, shall be allowed in reasonable amounts in accordance with official guidelines.

ORDER

IT IS ORDERED that Applicant take nothing by reason of her Application filed herein.

IT IS FURTHER ORDERED that the liens for medical-legal expenses required to prove a contested claim, properly and timely filed in accordance with statute, shall be allowed in reasonable amounts in accordance with official guidelines.


ELENA B. JACKSON
WORKERS' COMPENSATION JUDGE

Service made on parties as shown on and in accordance with the Official Address Record effective: 1-24-96 by S. Nelson 

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

CASE NO. AHM 0029180

ANGELA STEWARD

v. THE TRAVELERS INSURANCE
COMPANY; TRAVELERS INSURANCE

WORKERS' COMPENSATION JUDGE:

ELENA B. JACKSON

OPINION ON DECISION

The Applicant, Angela Steward, born 12-15-59, while employed as a claims adjuster, during the period 11-91 through 3-29-93, in Brea, California, by Travelers Insurance Company, claims to have sustained injury arising out of and in the course of employment to her psyche, headaches, and internal.

AOE/COE

The Applicant testified that she worked as a benefits specialist/claims examiner. The Applicant worked for the Defendant processing medical and dental claims. She was involved in a training program shortly after being hired by the Defendant. Applicant stated that the training room was hampered by construction problems, computer problems, and large size of the training group. She was in constant need of supplies. Applicant stated that many of the trainees complained to management. Upon completion of her training, the Applicant was considered an entry level claims adjuster. She was assigned two large corporate accounts (approx. 150 files) which required overtime hours. The Applicant was given an assistant. However, after a few weeks, the assistant was removed from Applicant's files.

As far back as the training program, the Applicant became nervous, agitated, and frustrated which resulted in lost time from work. She began to have headaches because of the close quarters she shared with 18 other trainees. On several occasions the Applicant reported these difficulties to her supervisor and requested help. She had trouble keeping up with her caseload even though she worked overtime. The Applicant asked to be transferred to the customer service department rather than remaining as a claims adjuster.

The Applicant began working in the customer service department. She testified that, although the work itself was stressful, it was the disorganization that began to affect her health. She then desired to return to the claims department; however, this request was denied. She then took some time off because she was having vision problems, headaches, and dizziness. The Applicant was examined by many doctors through her group health care provider. She began to feel more and more depressed. She was sleeping 18 hours a day. The Applicant was taken off work by her personal physician due to a respiratory infection. She applied for state disability benefits.

When the Applicant returned to work, the conditions had not improved. The work had piled up and her personal work space was no longer available. She returned to the customer service department but preferred to work in the claims department.

The Applicant was given a written warning in regards to what she described as 6 or 7 absences. The cross-examination questioning pointed out 24 days absent in a 12-month period. She felt she was being "followed" into the bathroom, breakroom, and lunchroom. It was being insinuated that she was prolonging her illness.

There was a final warning given to the Applicant regarding a complaint by a co-employee. She completed her shift and went directly to her physician on her way home. The Applicant was referred to a psychiatrist by her personal physician. She testified that she attempted suicide.

The Applicant's present physical complaints include depression, anxiety, diarrhea, and headaches. She is still on medication. She is still employed by the Defendant. She is receiving long-term disability benefits.

The Applicant has two boys. They play hockey and football. The Applicant drives them to school each day. The Applicant does her own housework and prepares the family meals. Her last day of work was 3-19-93.

The Defense witness, Elizabeth Silva, did testify that the Applicant told her that she was sick. However, the Applicant stated it was a cold and never mentioned that it was work related. The Applicant was counseled in regards to her attendance. Another employee came forward to complain that the Applicant had made statements which in effect were creating a hostile work environment. The Applicant never made complaints to Ms. Silva in regards to computer problems, lack of supplies, or overtime hours.

The Defense witness, Michael Reddy, was the Applicant's supervisor. The witness stated that the Applicant handled the claim files adequately; however, she complained often. The witness met with the Applicant many times in regards to her various complaints. The witness did not find much validity to the complaints. The complaints were not realistic and tended to be exaggerated.

The Defense witness, Yvonne Garrett, worked closely with the Applicant. The witness stated that the Applicant was trying to get other employees to admit that the Defendant's workplace was stressful and unorganized.

The parties were advised by the Court on 12-20-95, that they failed to include permanent and stationary reports in the field of internal medicine to the Court. The parties were granted 10 days to file the documentation. There have been no additional reports filed.

The Court found the testimony as presented by the Applicant to be exaggerated and self-serving. The Court therefore was unable to find the testimony as credible.

The Court found the testimony as presented by the witnesses as discussed herein to be reasonable and persuasive.

The only permanent and stationary medical report presented by the Applicant was the psychological evaluation prepared by Dr. Seth Hirsch, Ph.D., dated 4-4-94. Dr. Hirsch's report contained substantial factors of psychological disability ranging from the slight to moderate range. The Court did not find this medical report to be reasonable nor persuasive.

The medical evidence presented by the Defendant included the report of Dr. Ronald S. Mintz, M.D., dated 7-19-93. Dr. Mintz did not find that the work setting had any active role in the Applicant's condition. The Court found the medical report of Dr. Mintz to be reasonable and persuasive.

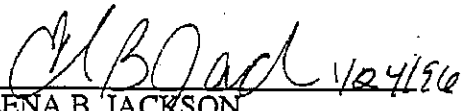
Based upon the medical evidence, the testimonial evidence as presented by the parties, and a review of the entire Court file, the Court finds that the Applicant did not sustain industrial injuries as claimed herein.

LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT

There being no finding of industrial injury herein, the liens as and for self-procured medical treatment shall be disallowed.

MEDICAL-LEGAL EXPENSES

The Applicant is entitled to medical-legal expenses required to prove a contested claim. The liens for medical-legal expenses, properly and timely filed in accordance with statute, shall be allowed in reasonable amounts in accordance with official guidelines.


ELENA B. JACKSON
Workers' Compensation Judge

EBJ:sjn