

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

WJH
LHO

THOMAS ZERO, JR.,

Case No. MON 133159

Applicant

FINDINGS & ORDER

vs.

20TH CENTURY FOX FILMS;
NATIONAL FIRE INSURANCE,
Adjusted by GALLAGHER BASSETT,

Defendants.

EARLE LAMBERT
Attorney for Applicant

KEGEL, TOBIN & TRUCE
Attorneys for Defendant

Also Present: BARBARA STUMPF

An application having been filed herein and all parties having appeared, resulting in the matter being regularly submitted for decision, the Honorable William J. Ordas, Workers' Compensation Judge finds and orders as follows:

FINDINGS OF FACT

1. Applicant, Thomas Zero, did not sustain any industrial injury to his psyche.
2. There was no industrial need for medical treatment or temporary disability indemnity.
3. Medical-legal expense cannot be determined at this time regarding lien of Barry Friedman, M.D. and will be set for further hearing.

ORDER

1. Applicant and lien claimants Employment Development Department (SSN: 030-48-7372), Barbara Calveric, Ph.D., and Mira Herman, D.C., shall take nothing by reason of their application and lien claims. Barry Friedman, M.D.'s lien for medical treatment is also denied.

2. The lien of Barry Friedman, M.D. for medical legal expense shall be set for trial in accordance with the Opinion on Decision. A separate notice shall be served by the Workers' Compensation Appeals Board.

DATED: 2-9-93



WILLIAM J. ORDAS
Workers' Compensation Judge

Service by mail on parties as shown on Official Address Record effected on above date.

By D. Thrash
D. THRASH

THOMAS ZERO, JR.
MON 133159

CASE NUMBER: MON 133159
SSN 030-48-7372

THOMAS ZERO, JR. VS. 20TH CENTURY FOX FILMS
NATIONAL FIRE INSURANCE
Adjusted by GALLAGHER BASSETT

JUDGE: WILLIAM J. ORDAS

DATE OF INJURY: CT 9/1/90-2/2/91

OPINION ON DECISION

Applicant's testimony was not credible. He made it appear the world of work revolved around him which is not accurate in light of other credible testimony and the reports of Dr. Weinberg. Applicant was able to immediately look for work with other studios at the same kind of work. Therefore, the reports of Dr. Weinberg are found persuasive and it is found that no industrially caused injury occurred.

All of Dr. Herman's charges and liens are denied as all charges reflect treatment. Barbara Calveric, Ph.d.'s lien is denied for the same reason (dated 3/2/92). The Employment Development Department lien is denied.

The lien of Dr. Friedman for medical treatment is also denied as there was no injury. Dr. Friedman's charges for psychological testing are unusual and cannot be determined if the charges are actually medical-legal or for medical treatment. A further hearing will be set regarding Dr. Friedman's charges alone.

At the trail Dr. Friedman shall appear and produce all of his medical and bookkeeping records for the court. Dr. Friedman shall also produce the persons who prepared the billings on each page of

the DIA Form 76 provided as part of the bill and lien in support of the charges. Dr. Friedman shall also produce the person(s) who can explain how the specific charges, and the amounts of the charges, were derived. Medical records shall include all psychological testing, including all original testing sheets and data compilation.

DATED: 2-9-93

W. Ordas
WILLIAM J. ORDAS
Workers' Compensation Judge

Service by mail on parties on Official
Address Record on above date.

By: *D. Thrash*
D. THRASH

THOMAS ZERO, JR.
MON 133159