

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

MARIA DE LA ROSA

*Applicant*

vs.

OXNARD UNION HIGH SCHOOL DISTRICT;  
KEENAN & ASSOCIATES

*Defendants.*

Case No. VEN 0092259

FINDINGS OF FACT  
AWARD  
AND  
ORDER

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

FINDING OF FACT

(1) Maria De La Rosa, born 5/23/37, while employed as a teacher, at Oxnard, California, on 11/91-9/4/93, by Oxnard Union High School District, who was then permissibly self-insured did not sustain injury arising out of and occurring in the course of her employment to her psyche.

(2) All medical-legal bills and liens are found necessary and are Ordered to be adjusted/paid per the Official Medical Fee Schedule.

(3) All other issues have been rendered moot.

AWARD

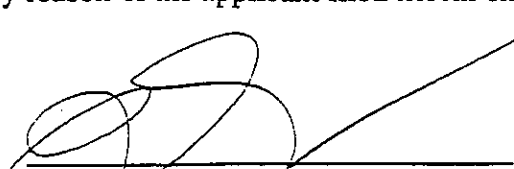
AWARD IS MADE in favor of Maria De La Rosa against Oxnard Union High School District of:

(a) All medical-legal bills and liens are found necessary and are Ordered to be adjusted/paid per the Official Medical Fee Schedule.

ORDER

IT IS ORDERED that applicant take nothing by reason of his applicant filed herein on March 29, 1994.

Filed and Served by mail on: *November 22, 1995*  
On all parties on the  
Official Address Record.  
By: *Mary Lyons*

  
\_\_\_\_\_  
ROGER G. JOHNSON  
WORKERS' COMPENSATION JUDGE

*11/22/98*

## OPINION ON DECISION

The Court was compelled by the weight of the evidence to find that the applicant did not meet her burden of proof as required by Labor Code § 3208.3. The witnesses against the applicant substantially rebutted the allegations of stressors reported by the applicant. The record also reflected the existence of a long string of substantial and more significant non-industrial stressors which were concurrent with the allegations of minor industrial stressors. The medical report of Dr. David Glaser appeared to be based on a more accurate history and was better reasoned. For the first time this Court also adopts and incorporates by reference the trial brief of one of the parties--the defendant. The trial brief accurately stated the facts of this case with a few minor exceptions.

The Court concurred with the opinion of Dr. Glaser that applicant's underlying personality disorder was entirely responsible for the problems she created in the workplace as well as her distortion of the employer's reasonable and measured attempts to obtain compliance from the applicant to school policy and numerous requests from the students, co-workers, as well as the principal. After listening to three days of testimony, the Court found the applicant's testimony unconvincing and concurred with Dr. Glaser's assessments that (1) her underlying personality disorder made the applicant touchy, intolerable of constructive criticism, overly sensitive, stubborn and rigid and (2) that her failure to take her medication for hyperthyroidism --superimposed on her bankruptcy, loss of car, foreclosure on her home, and the loss of her mother--caused the applicant to be irritable and fatigued. Dr. Moskowitz's report is based on events which were not established by the record and can not support a finding per LC 3208.3. *Los Angeles Unified School District vs WCAB (Henry)* (1981) 46 CCC 94.

After listening to the witnesses for the defense, no rational basis existed for believing that the applicant was being discriminated against on the basis of sex or race. Applicant was given every opportunity by the employer to modify her behavior to prevent the conflicts which arose when the applicant trampled on the rights of her students. This was corroborated by the testimony of the co-workers, the students, and the principal whom the Court found to be more credible than the applicant. The Court believes the entire record substantially supports the conclusion that the applicant's job did not play an active or positive role in the development or aggravation of her psychological problems, nor was it the operative cause.

The applicant not only manufactured her own perception of the events which she herself precipitated in the work place, she appears to have 'set up' the alleged 'final straw' event on her first day back to school in the Fall of '93 during which she walked out of school after she was supposed to have been snubbed by the principal's failing to specifically greet her in the presence of several dozen other teachers. After having taught summer school during the preceding months, such an allegation can only rise to the level of ludicrous.

11/22/95

  
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Roger G. Johnson  
Workers' Compensation Judge

Served by mail on  
interested parties  
of record by:

Marilyn Lyons  
dated: 11-22-95