

JRP

CASE NOS. LBO 229676; 239945

ARTHUR CASTRO

v.

ALLIED SIGNAL  
AUTOMOTIVE;  
TRAVELERS INSURANCE

WORKERS' COMPENSATION  
JUDGE: CYNTHIA A. QUIEL

INJURIES:  
5/22/91  
12/90 through 5/22/91

OPINION ON DECISION

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CASE NO. LBO 229945:

INJURY AOE/COE:

It shall be found that applicant did not sustain injury to his psyche, headaches, chest pains and a cumulative trauma to his back. There is no substantial evidence to support a cumulative trauma injury.

Applicant has abandoned his claim. Only the lien claimants are pursuing this case. Neither Dr. Rowell nor Dr. Polansky include in their reports the fact that the applicant had received a lay off notice prior to his disability leave. It is clear from the applicant's deposition testimony that he had less than a month left on the job when he hurt his back. Further the doctors have no history of the applicant's absenteeism problems to which he admitted in his deposition. These are material omissions in the psychiatric and psychological reports.

It is also important to note that the applicant failed to appear at scheduled defense evaluations, failed to comply with a Board order compelling him to attend evaluations and failed to appear at trial. Applicant's actions have deprived the defendants from the opportunity to obtain rebuttal reports to which they are entitled. Lien claimant's self-serving reports alone are not sufficient to prove injury.

8-01-93

CASE NOS. LBO 229676 and 239945:

LIENS:

As indicated above, the reports of Drs. Rowell and Polansky are based on a false and inaccurate history and shall accordingly be disallowed.

The applicant was declared permanent and stationary with only minimal residual pain on July 3, 1991, by Dr. Lorman. Lien claimants, Gene Bautista, D.C., Reliable Diagnostic Imaging, and Advanced Diagnostic Imaging received notice of the trial but failed to appear. In reviewing the file there is a "Final Chiropractic Report" from Dr. Bautista which indicates the applicant had a neurological examination. Yet there is no evidence to support this. There is no neurological report or lien in the file. There is no initial report from Dr. Bautista. There is no evidence that indicates an MRI was necessary or indicated. Accordingly, the liens for an MRI performed by Reliable Diagnostic Imaging and Advanced Diagnostic Imaging are found to be unnecessary and shall be disallowed.

As indicated by Dr. Lorman, no medical treatment was necessary beyond June 17, 1991. Dr. Bautista has filed billings which show treatment from August 29, 1991. The treatment rendered by Dr. Bautista is found to be unnecessary and unreasonable, and his lien shall be disallowed.



CYNTHIA A. QUIEL

Workers' Compensation Judge

CASTRO, Arthur  
LBO 229676; 239945

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
CASES NO. LBO 229676 and 239945

SS# 568-43-1082  
ARTHUR CASTRO,

*Applicant*

vs.

ALLIED SIGNAL AUTOMOTIVE;  
TRAVELERS INSURANCE COMPANY,

*Defendants.*

JOINT  
FINDING AND ORDER

KEGEL, TOBIN AND TRUCE, by Jessalyn Pinder, Attorneys for Defendants

TCB - THE LIEN MANAGERS, by Stanley Johnson for Lien Claimants  
Dr. Polonsky and Dr. Rowell

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Application having been filed herein; all parties having appeared and the matter having been regularly submitted, the Honorable CYNTHIA A. QUIEL, Workers' Compensation Judge, finds and orders as follows:

FINDINGS OF FACT

1. Applicant, Arthur Castro, sustained injury to his low back on May 22, 1991 (Case No. LBO 229676), arising out of and occurring in the course of his employment as a machine operator at Torrance, California for Allied Signal Aerospace, whose compensation insurance carrier was Travelers Insurance Company.
2. Applicant did not sustain injury arising out of and occurring in the course of his employment from December 1990 to and including May 22, 1991 (Case No. LBO 239946) to his psyche, headaches, chest pains and back.
3. The lien claims of George Rowell, M.D. and Dimitri Polonsky, Ph.D., are based on a false and inaccurate history and are being disallowed.

4. The lien claims of Gene Bautista, D.C.; Advanced Diagnostic Imaging and Reliable Diagnostic Imaging are found to be unnecessary and will be disallowed.

**ORDER**

IT IS ORDERED that applicant take nothing.

IT IS FURTHER ORDERED that the lien claims of George Rowell, M.D.; Dimitri Polonsky, Ph.D.; Gene Bautista, D.C.; Reliable Diagnostic Imaging Service and Advanced Diagnostic Imaging, be and they are hereby disallowed

  
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CYNTHIA A. QUIEL  
WORKERS' COMPENSATION JUDGE

SERVED ON SAID DATE BY MAIL ON PERSONS  
SHOWN ON THE OFFICIAL ADDRESS RECORD

DATE: JUL. 28 1993

By: 

Arthur CASTRO  
LBO 229676  
LBO 239945

CASE NO. LBO 176160

ROSIE NAULS

v.

ALLIED SIGNAL/BENDEK  
OCEANICS DIVISION;  
TRAVELERS INSURANCE  
COMPANY

WORKERS' COMPENSATION  
JUDGE: CYNTHIA A. QUIEL

INJURY:  
December 1986

OPINION ON DECISION  
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INJURY AOE/COE:

It shall be found that applicant sustained an industrial injury to her skin based on the report of Dr. Mihalas. It shall be found she did not sustain injury to her pulmonary system, as indicated in the report of Dr. Markovitz which I found most credible and convincing and upon which I relied. It shall further be found that she did not sustain injury to her psyche, as Dr. Rothberg relates her psychological problems to her chronic respiratory difficulties, which are not found to be industrially caused.

TEMPORARY DISABILITY:

The applicant was temporarily totally disabled for her skin condition as indicated by Dr. Mihalas in his October 18, 1988, report. He does not specify the periods she was temporarily totally disabled. The applicant did not testify as to the exact dates she missed work due to her skin problems, but did indicate that Dr. Nelson took her off work for this in 1987 or 1988. In reviewing the records of Kaiser and the disability slips contained in those records, applicant shall be found to have been totally temporarily disabled for the following periods:

March 8, 1988, through April 20, 1988  
December 15, 1988, through December 19, 1988 and  
January 31, 1989, through February 1, 1989

for which indemnity is payable at the rate of \$310.93 per week (based on earnings of \$466.40 per week).

PERMANENT DISABILITY:

Pursuant to the Recommended Rating of the Disability Evaluator, it shall be found that applicant sustained permanent disability of 4-1/2%, or the sum of \$1,890.00, payable forthwith. This finding is based on the medical reports of Dr. Mihalas. There is no basis for apportionment.

FURTHER MEDICAL TREATMENT:

The applicant is in need of further medical treatment for her skin condition as indicated by Dr. Mihalas, and same shall be awarded.

LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT; MEDICAL-LEGAL COSTS; LIEN CLAIMS:

Applicant reasonably incurred medical-legal costs to prove a contested claim and procured orthopedic treatment necessary as a result of her industrial injury. Defendant is ordered to pay or adjust the following lien claims, with jurisdiction reserved over any disputes:

- Mobile Medical Diagnostics
- Medi-Record Reproductions
- Lawrence S. Mihalas, M.D.
- Nachman Brautbar, M.D.
- Center for Internal, Occupational & Toxicological Medicine

Any and all charges for treatment to the applicant's psyche or for respiratory problems, if any, shall be disallowed. The \$150 lien of Dr. Stakely is for respiratory treatment and is not for medical-legal costs. Accordingly, the lien of Dr. Stakely shall be disallowed.

Applicant reasonably incurred out-of-pocket, self-procured medical treatment expenses for her skin condition as follows:

UCLA Pharmacy	\$14.36	6/23/88
Kaiser Pharmacy	\$4.24	7/21/88
" "	\$22.97	7/21/88
" "	\$28.15	9/16/88
Palm Pharmacy	\$44.60	2/22/88
" "	\$19.20	2/22/88


UCLA Professional Services	\$19.00	(date unknown)
	\$72.00	4/20/88
" "	\$45.00	6/23/88
" "	\$45.00	7/25/88
Parking	\$3.00	4/20/88
	\$3.00	7/25/88
	\$3.00	(date unknown)

Defendants are ordered to reimburse the applicant in full for the above out-of-pocket expenditures.

There being no temporary disability indemnity awarded during the periods Employment Development Department benefits were paid, the lien of the Employment Development Department shall be disallowed.

ATTORNEYS' FEES:

Applicant's attorneys are awarded 15% of all permanent and temporary disability indemnity payable to applicant.

  
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 CYNTHIA A. QUIEL  
 Workers' Compensation Judge

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
CASE NO. LBO 176160

ROSIE NAULLS,  
SS# 455-66-0276

*Applicant*

vs.

ALLIED SIGNAL, Bendix Oceanics Division;  
TRAVELERS INSURANCE COMPANY,

*Defendants.*

FINDINGS AND AWARD  
and  
ORDER

KATHE MOORE, Attorney for Applicant

KEGEL, TOBIN AND TRUCE, by D'Arcy T. Swartz,  
Attorneys for Defendants

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Application having been filed herein; all parties having appeared and the matter having been regularly submitted, the Honorable CYNTHIA A. QUIEL, Workers' Compensation Judge, finds, awards and orders as follows:

FINDINGS OF FACT

1. Rosie Naulls, born June 4, 1937, did at Sylmar, California, in December 1986, sustain injury to her skin, arising out of and occurring in the course of her employment as an electronic assembler by Allied Signal, Bendix Oceanics Division, whose compensation insurance carrier was Travelers Insurance Company
2. Applicant did not sustain injury to her pulmonary system and her psyche.
3. At the time of injury applicant's weekly earnings were \$466.40.
4. This injury caused temporary total disability for broken periods beginning March 8, 1988 through April 20, 1988; December 15, 1988 through December 19, 1988; January 31, 1989 through February 1, 1989, for which indemnity is payable at \$310.93 per week.

5. This injury resulted in permanent disability of 4-1/2%, equivalent to 13.50 weeks of disability payments at the rate of \$140.00 per week, in the total sum of \$1,890.00.

6. There is no basis for apportionment.

7. Applicant will require further medical treatment to cure or relieve from the effects of injury to her skin pursuant to the medical report of Dr. Mihalas.

8. Applicant secured necessary orthopedic medical services to cure or relieve from the effects of this injury and incurred reasonable and necessary medical-legal costs to prove a contested case, in amounts to be adjusted by the parties or determined herein upon the filing of a petition and supporting documents, including but not limited to the following: Mobile Medical Diagnostics; Medi-Records Reproductions; Lawrence S. Mihalas, M.D.; Nachman Brautbar, M.D.; and Center for Internal, Occupational and Toxicological Medicine; and out-of-pocket expense payable directly to applicant in the total sum of \$323.52.

9. The Employment Development Department paid no benefits concurrently with the periods of temporary disability herein.

10. The reasonable value of the services of applicant's attorneys' is 15% of all permanent and temporary disability awarded herein.

#### A W A R D

AWARD IS MADE in favor of ROSIE NAULLS against TRAVELERS INSURANCE COMPANY, of temporary disability indemnity as set forth in Finding No. 4, less 15% attorney's fees; together with permanent disability indemnity of

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Rosie NAULLS  
LBO 176160

\$1,890.00, payable forthwith, less 15% attorney's fees; together with further medical treatment as set forth in Finding No. 7; together with reimbursement for medical-legal costs, self-procured medical treatment and out-of-pocket expenses as set forth in Finding No. 8.

ORDER

IT IS ORDERED that any and all charges for treatment to the applicant's psyche or for respiratory problems, if any, including the lien claim of Dr. Stakely in the sum of \$150.00, be, and they are hereby disallowed.

IT IS FURTHER ORDERED that the lien claim of the Employment Development Department, be, and it is hereby denied.

  
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CYNTHIA A. QUIEL  
Workers' Compensation Judge

SERVED ON SAID DATE BY MAIL ON PERSONS  
SHOWN ON THE OFFICIAL ADDRESS RECORD.

DATE: JAN 25 1993

BY: 

Rosie NAULLS  
LBO 176160