

WJT

AHMED EL -ALL,
Applicant,

vs.

CARL KARCHER ENTERPRISES;
CONSTITUTION STATE SERVICE COMPANY,

Defendants.

Case No. AHM 0000125; 0020274

FINDINGS AND ORDERS

The matter having been heard and regularly submitted for decision, the Honorable Elena Jackson, Workers' Compensation Judge, Finds and Orders as follows:

FINDINGS OF FACT

1. Applicant, Ahmed El-Ali, born 2-23-33, while employed as a general help at Mission Viejo, California, on 7-24-90, and 4-17-91, by Carl Karcher Enterprises, then insured by Constitution State Service Company did not sustain injury arising out of and in the course of employment to his psyche.
2. Any liens for medical treatment by reason of the claimed psychiatric injury are disallowed.
3. Applicant was entitled to one medical-legal evaluation in the field of psychiatry in a reasonable amount.
4. Applicant was entitled to a medical-legal evaluation in the field of orthopedics in a reasonable amount.
5. Applicant was entitled to medical treatment in the field of orthopedics in a reasonable amount.
6. The liens in the fields of psychology, ophthalmology, internal and neurology (both treatment and medical-legal) are disallowed.


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O R D E R

IT IS HEREBY ORDERED that any liens for medical treatment by reason of the claimed psychiatric injury are disallowed; the liens in the fields of psychology, ophthalmology, internal and neurology (both treatment and medical-legal) are disallowed.

The Court will reserve the issue of Costs in regard to the resolution of various lien claims.

A Petition for Reconsideration from this Decision shall be filed only at the Anaheim District Office of the Workers' Compensation Appeals Board.


ELENA B. JACKSON
Workers' Compensation Judge

Dated: 5/3/95
nbg

CASE NOS. AHM0000125; AHM0020274

AHMED EL-ALI

v.

CARL KARCHER ENT.;
CSSC

INJURY:

7-24-90; 4-17-91

WORKERS' COMPENSATION JUDGE:

ELENA B. JACKSON

LAW OFFICES OF KEGEL TOBIN & TRUCE BY W. JOSEPH TRUCE, attorneys for
Defendants

HELEN S. RUIZ, hearing representative for Helen S. Ruiz Interpreters

MATTHEW RESS, hearing representative for Morehouse Medical/ Dr. Haas

JO CINZ-MARS, hearing representative for Orthopedic Medical Group of Santa Ana/ Dr. Kim

LIEN COLLECTIONS BY GERMAN SANCHEZ, hearing representative for Amerimed/ Dr.
Lehrhoff

OPINION ON DECISION

The Applicant, Ahmed El-Ali, born 2-23-33, claimed injuries to his low back, neck, psyche, and other body parts on 7-24-90, and 4-17-91, arising out of and in the course of employment with the Defendant, Carl Karcher Enterprises, then insured by Constitution State Service Company.

On 9-26-94, the Court issued an Order Approving Compromise and Release. The parties requested a Thomas Finding (4-17-91, injury only) based on the medical records affecting the credibility of the Applicant, witness' testimony that the Applicant did not slip and fall as alleged, the medical report of Dr. Irwin Savodnik, M.D., Ph.D., dated 6-2-93, that the Applicant was never psychiatrically injured on an industrial basis, and the orthopedic medical report of Dr. Scott Haldeman, M.D., Ph.D., dated 10-28-91, that gave the Applicant a work preclusion from heavy lifting (20% standard).

The Compromise and Release was submitted by both parties and fully executed.

The Lien Claimants presented no witnesses at time of trial.

AOE/COE

Based upon the Court's previous Order Approving the Compromise and Release, the entire Court file, and the lack of any evidence presented by the lien claimant's to sustain their burden in

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opposition to the Thomas Finding, it is found that the Applicant did not sustain an industrial injury on 7-24-90, or 4-17-91, to his psyche.

The Court finds that any liens as and for medical treatment by reason of the claimed psychiatric injury are disallowed.

The Court finds that the Applicant was entitled to one medical-legal evaluation in the field of psychiatry in a reasonable amount.

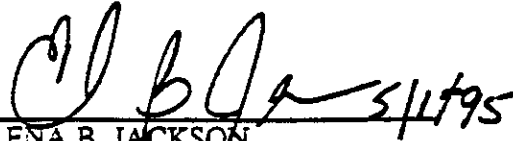
The Applicant was entitled to a medical-legal evaluation in the field of orthopedics in a reasonable amount.

The Applicant was entitled to medical treatment in the field of orthopedics in a reasonable amount.

Based upon the Compromise and Release Agreement as prepared and executed by the parties, the trial briefs submitted, and a review of the entire Court file, it is found that the liens in the fields of psychology, ophthalmology, internal and neurology (both treatment and medical-legal) are disallowed.

As noted in the Defendant's trial brief, this case involves a possible orthopedic work restriction from heavy lifting only and approximately \$23,000.00 in medical-legal liens. If the findings herein are not sufficient to resolve the remaining lien issues, the Court will be looking to the Applicant's Attorney to participate in the explanation of these medical expenses.

The Court will reserve the issue of Costs in regard to the resolution of these various lien claims.


ELENA B. JACKSON
Workers' Compensation Judge

EBJ/nbg