

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION

CASE NO. AHM 004113

ROBERT GARZA,

*Applicant*

vs.

LOS ANGELES UNIFIED SCHOOL DISTRICT;  
Legally Uninsured,

*Defendants.*

FINDINGS AND ORDER

- No appearance by or on behalf of Applicant
- Kegel, Tobin & Truce, by Fred Stevens, attorneys for Defendant
- Hang Phan, hearing representative for Employment Development Department

\*\*\*\*\*

Hearing having been held and all parties having appeared, the Honorable CHRISTINE F. NELSON, Workers' Compensation Judge, makes her findings, order and award as follows

FINDINGS OF FACT

1. Applicant, ROBERT GARZA, born 8/3/62, while employed 3/6/91 as a light school bus driver at Los Angeles, California, by LOS ANGELES UNIFIED SCHOOL DISTRICT, Legally Uninsured for workers' compensation purposes, did not sustain injury arising out of and occurring in the course of said employment to his back and right ankle.
2. Applicant's earnings at the time of injury were sufficient to produce a temporary disability rate of \$336.00 per week.
3. Applicant's condition became permanent and stationary at the time of his final evaluation with Dr. Hufana on 5/17/91.
4. Applicant is not a qualified injured worker and is not entitled to vocational rehabilitation benefits.
5. The lien of the Employment Development Department should be disallowed in its entirety.

///

///


///

///

ORDER

IT IS HEREBY ORDERED that the lien of the Employment Development Department be and hereby is disallowed.

Filed and Served by mail on: 9/ 9/94  
On all parties on the  
Official Address Record.  
By: Sandra Foss

  
CHRISTINE F. NELSON  
WORKERS' COMPENSATION JUDGE

IN THE EVENT A PETITION FOR RECONSIDERATION IS FILED FROM THIS DECISION,  
IT IS REQUIRED, PURSUANT TO RULE 10840, THAT SAID PETITION BE FILED AT THE  
ANAHEIM WCAB.

CASE NO. AHM 004113

ROBERT GARZA,

v. LOS ANGELES UNIFIED SCHOOL  
DISTRICT;  
Legally Uninsured,

WORKERS' COMPENSATION  
JUDGE: CHRISTINE F. NELSON

INJURY: 3/6/91

COUNSEL - No appearance by or on behalf of Applicant  
- Kegel, Tobin & Truce, by Fred Stevens, attorneys for Defendant  
- Hang Phan, hearing representative for Employment Development Department

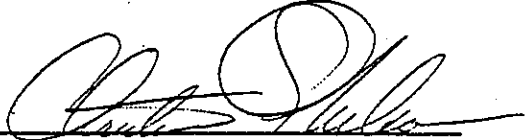
### OPINION ON DECISION

This matter was set for trial on the lien of the Employment Development Department. The Employment Development Department paid benefits to Applicant, as reflected in their lien, from 11/20/91 through 5/3/92. Dr. Charles Glatstein reporting on behalf of the Defendant, 9/11/91, indicated that Applicant had no objective findings that would indicate a disk herniation syndrome or radiculopathy. After considering Applicant's duties, the doctor felt that Applicant could return to work to his usual and customary duties as of 9/12/91. In Dr. Hufana's report of July 18, 1991, the doctor indicates that Applicant's condition is permanent and stationary as of July 17, 1991, with no further need for orthopedic treatment. Applicant had been provided orthopedic treatment in the form of physical therapy and medication. Dr. Hufana indicates in his report that unless Applicant requests surgery, he has gained the maximum benefit from treatment and released the Applicant to return to work with restrictions. It should be noted that Applicant indicated that he did not want surgery at the time he was examined by Dr. Hufana. Dr. Hufana found that Applicant was able to return to his customary occupational field and was not a qualified injured worker.

Applicant then proceeded to obtain evaluations from Dr. Thai. Dr. Thai initially evaluated Applicant 9/20/91. The findings contained in the report of Dr. Thai when he initially evaluated Applicant are essentially consistent with the findings of Drs. Hufana and Glatstein in their permanent and stationary reports. It would appear that Applicant's condition did not change after further treatment with Dr. Thai.

Based on a thorough review of the medical reports and Applicant's condition both before and after Dr. Thai's evaluations, it is found that Applicant's condition became permanent and stationary at the time of his final evaluation with Dr. Hufana 5/17/91. Based upon the report of Dr. Hufana and Dr. Glatstein, Applicant is not a qualified injured worker and is not entitled to vocational rehabilitation benefits. Therefore, the lien of the Employment Development Department is disallowed in its entirety.

Dated: 9/9/94

  
CHRISTINE F. NELSON  
Workers' Compensation Judge

CFN/sf