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STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

Case Nos. MON 176518/519/520

BARBARA HARDAWAY,

*Applicant,*

vs.

ALLIED SIGNAL AEROSPACE;  
TRAVELER'S INSURANCE,  
*Defendants.*

FINDINGS AND ORDER

KEGEL, TOBIN & TRUCE  
By: Dennis R. Triplett, Esq.  
Attorneys for Defendants

THE 4600 GROUP  
By: Putinas Baltrusaitis, Esq.  
Attorney for Lien Claimant

The above-entitled matter having been heard and regularly submitted on the issue of lien claim of The 4600 Group, the Honorable **Semial R. Treadwell**, Workers' Compensation Judge, finds and orders as follows:

**FINDINGS OF FACT**

1. The case settled by Compromise and Release for \$23,000.00 with a Thomas Finding on the continuous trauma claims for injury during the period 1990 - 1991 and 1970 - 1992 to applicant's psyche, back, neck and left knee.
2. Lien claimant, The 4600 Group, filed a lien claim for treatment provided to applicant's left knee with an outstanding lien for that treatment in the amount of \$8,125.00.

3. Defendant denied the continuous trauma claims of applicant and rely on the report of the A.M.E. Dr. Alan Sanders dated 4/9/96 and his deposition testimony set by lien claimant dated 6/18/98 which finds the left knee to be a non-industrial condition.

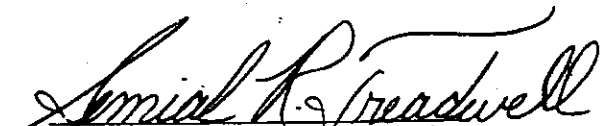
4. Lien claimant argues that the reports of Dr. Sanders should be stricken as he is illogical and inconsistent in his reporting and offered the medical reports of Dr. John Larsen dated 11/21/95 and Downey Orthopedic Medical Group in rebuttal. Dr. Larsen did not rebut Dr. Sanders' A.M.E. report.

5. Applicant is found to have not suffered industrial injury to his left knee and the treatment lien of The 4600 Group is disallowed.

**ORDER**

IT IS ORDERED that the treatment lien claim of The 4600 Group is disallowed.

Dated: 11. 10. 98

  
SEMIAL R. TREADWELL  
Workers' Compensation Judge

Service by mail on all parties as shown on the Official Address Record.

By: 

WCAB CASE NOS. MON 176518  
MON 176519 & MON 176520

BARBARA HARDAWAY vs. ALLIED SIGNAL AEROSPACE;  
TRAVELER'S INSURANCE

DATE OF INJURY 1970 - 1992; 1990 - 1991;  
6/25/92

JUDGE SEMIAL R. TREADWELL

**OPINION ON DECISION**

This claim settled by Compromise and Release for \$23,000.00 with a Thomas Finding on the continuous trauma claims for injury during the period 1990 - 1991 and 1970 - 1992 to applicant's psyche, back, neck and left knee. Applicant's 6/25/92 specific left shoulder injury was admitted.

Lien claimant, The 4600 Group, provided treatment for applicant's left knee with an outstanding lien for that treatment in the amount of \$8,125.46.

Defendant denied the C.T. claims timely on 6/18/93. They also rely on the report of the Agreed Medical Examiner, Dr. Alan Sanders, dated 4/9/96 and his deposition testimony set by lien claimant, The 4600 Group, dated 6/18/98 which finds the left knee to be a non-industrial condition.

Lien claimant, The 4600 Group, argues that the reports of Dr. Sanders should be stricken as he is illogical and inconsistent in his reporting.

Lien claimant offers the report of Dr. John Larsen who, in his 11/21/95 report, concluded that applicant's left knee injury was industrially related contrary to Dr. Sanders that applicant's left knee condition was non-industrial due to her 21-year employment history performing substantial weightbearing, pushing and pulling of carts; squatting and stooping on a regular basis.

Dr. Sanders, when presented with this information at deposition, admitted that the applicant had problems with the knee throughout the 90's contrary to his statement in his 4/6/98 report. He was aware, however, of her left knee surgery in 1990 but had not felt it was industrially related.

In summary, he concluded that her left knee condition was due to the progress of her underlying arthritis and the lack of a meniscus due to a non-industrial accident in 1971 and the passage of time, which caused the condition to worsen as the years went on, indicative of a degenerative process.

He also stated that applicant's active lifestyle (bowling and softball) through the end of her employment and the minimal grade one to two chondromalacia normally found in anyone with knee pain only affirmed his conclusion.

Although lien claimant's frustration with Dr. Sanders' testimony in his deposition is understandable, given the equivocal nature of some of his answers, he nonetheless never concluded that applicant's employment contributed to or aggravated or caused her need for surgery for her left knee complaints.

Dr. Sanders did, however, feel that applicant's active lifestyle, including bowling and softball through the end of her employment would make any claim of industrial causation speculative at best.

Applicant's initial 11/10/93 report from Downey Orthopedic Medical Group states that the 1990 surgery was performed by Dr. Zuckerman on a non-industrial basis.

Dr. Sanders did, however, state that if he were provided with records of applicant around the date of her 1990 surgery or injury, it may have changed his opinion. Apparently none were ever provided to him.

Therefore, taking into account the medical reports of Dr. Larsen and the Downey Orthopedic Medical Group to the contrary and the great weight that has to be given to the findings and opinions of an A.M.E. (*Powers v. W.C.A.B.* (1986) 51 C.C.C. 114, there is not felt to be good cause presented nor justification to disregard Dr. Sanders' report and deposition testimony.

Applicant is found to have not suffered industrial injury to his left knee and the treatment lien of The 4600 Group is disallowed.

Dated: 11.10.98

  
SEMIAL R. TREADWELL  
Workers' Compensation Judge