

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. AHM 011641

CONCEPCION MARTINEZ,

Applicant

vs.

ANAHEIM MILLS CORP.;
FIREMANS FUND INSURANCE
COMPANY,

Defendants.

ORDER DISALLOWING
LIEN OF GEORGE ROWELL, M.D.
AND PAUL PETTY, D.C./MILESQUAR
CHIROPRACTIC

A lien conference had been held at the Anaheim WCAB on 4/23/96 before the undersigned. Due to the fact that request for judicial notice had only been filed five days before the conference, a ~~lien~~ hearing was held on this matter on 6/20/96 and the remaining lien issues were reset for August 5, 1996. On none of these occasions was there any appearance on behalf of Dr. George Rowell, M.D. or Paul Petty, D.C. of Milesquare Chiropractic.

The record reflects that the above entitled matter was settled for zero dollars by Compromise and Release on 6/8/94. Well over \$25,000.00 in liens were filed in connection with this matter. The Compromise and Release reflects that this was a claim of injury filed after termination. The applicant admitted in the settlement papers that he was approached at the EDD office by a capper who assisted him in filing claims and setting up medical evaluations. Clearly, this activity is prohibited by law in the State of California.

The defendants also represent that the claim form was dated 10/1/91 and received 10/29/91 but services by Dr. Rowell were provided on 11/2/91 clearly in violation of Labor Code section 4620. The applicant lost no time at work. Per the medical report of Dr. Kennedy, any psychiatric problems endured by the applicant were due to pre-existing personality disorders. As to the treatment by Dr. Petty, treatment commenced before there was even a notice of the claim.

There being overwhelming Good Cause and an appearance that the lien claimants have abandoned all interest in this matter,

IT IS HEREBY ORDERED that the liens of George Rowell, M.D. and Paul Petty, D.C./Milesquare Chiropractic are disallowed in their entirety.

This order to be vacated if Good Cause is shown in writing to the undersigned within 15 days. Good Cause must address the failure to appear as well as the substantive issues raised in the order.

DATED AT ANAHEIM, CALIFORNIA

August 9, 1996



NANCY M. GORDON
WORKERS' COMPENSATION JUDGE

Served by mail on parties checked on the
Official Address Record effected on the
above date.

BY: E.T. PLA