

STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION

Case No. ANA 267257

RODOLFO SALGADO,

Applicant

vs.

ORANGE COUNTY FAIR EXPOSITION
32ND DISTRICT AGRICULTURAL ASSOCIATION;
California Fairs Insurance Service Authority

Defendants.

FINDINGS AND ORDER

COUNSEL: Kegel, Tobin & Truce, by: Georgia Connolly, Attorney for Defendant
Klocke Chiropractic, by: Adrian Aguire, Representative for Lien Claimant

Hearing having been held and parties having appeared, the Honorable
ROBERT E. MURRAY, Workers' Compensation Judge makes his findings and orders
as follows:

FINDINGS OF FACT

1. Defendants are not entitled to restitution in the amount of \$2,690.95 from Dr. Henry Klocke.
2. The balance due \$1,115.00 Dr. Henry Klocke is denied as either a medical legal report or a Permanent and Stationary report.

ORDER

IT IS ORDERED THAT:

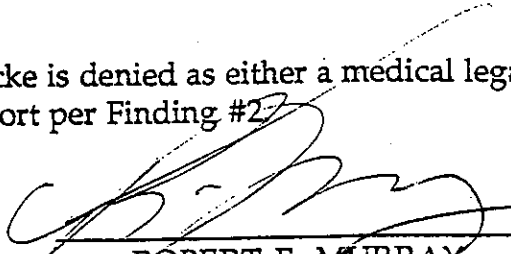
- (a) Defendants are not entitled to restitution in the amount of \$2,690.95 from Dr. Henry Klocke per Finding #1.
- (b) The balance due \$1,115.00 Dr. Henry Klocke is denied as either a medical legal report or a Permanent and Stationary report per Finding #2.

REM:lw

Served by mail on all parties shown
on the Official Address Record.

By: F. J. [Signature]

On: 3-01-96


ROBERT E. MURRAY
Workers' Compensation Judge

ANA 267257

RODOLFO SALGADO

vs.

ORANGE COUNTY FAIR EXPOSITION
32ND DISTRICT AGRICULTURAL ASSOCIATION;
California Fairs Insurance Service Authority

ROBERT E. MURRAY
Workers' Compensation Judge

DOI: July 6, 1990

Date: March 1, 1996

Kegel, Tobin & Truce, by: Georgia Connolly
Attorney for Defendant

Adrian Aguire
Representative for Lien Claimant, Klocke Chiropractic

OPINION ON DECISION

This case has been submitted for decision on the issue of the lien of Dr. Henry Klocke \$1,115.00 and defendants request for reimbursement of \$2,690.95.

The payment of \$2,690.95 to Dr. Klocke was for treatment and initial evaluation. Restitution is sought 6 years post injury. An objection to the billing of Dr. Klocke was made January 23, 1992.

Defendant paid Dr. Klocke:

On February 12, 1991	\$401.85
On August 19, 1991	\$850.00
On March 18, 1991	\$996.30
On April 4, 1991	\$442.80

Dr. Klocke sent a letter to the employer/defendant, Orange County Fair & Exposition Center on November 28, 1990:

Dear Sir:

This office is the treating doctor for the above mentioned patient. A med/legal report has been requested by the patient's attorney. Copy of letter enclosed.

Page 2

OPINION ON DECISION

Re: RODOLFO SALGADO
ANA 267257

vs.

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Dr. Klocke's letter was timely. Defendant's request for restitution is denied.

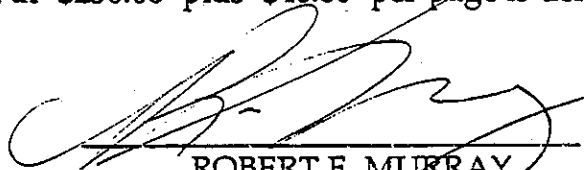
Time is of the essence in contesting medical charges paid. Six years is too long to raise a claim. The doctrine of Laches is applicable.

In regards to the lien of Dr. Klocke \$1,115.00, the representative for Dr. Klocke stated it represented a Permanent and Stationary report and not a medical legal and voluntarily reduced the lien to \$375.00. He stated the report would be \$250.00 plus \$40.00 a page for any other statements in the report.

There was no contested claim at the time this medical legal report was prepared. It was unreasonable and unnecessary.

Dr. Klocke issued a Permanent and Stationary report on December 9, 1991. Lien claimant would now like to change the \$1,115.00 report in issue to another Permanent and Stationary report..

The lien of Dr. Klocke \$1,115.00 or as reduced at time of trial to another Permanent and Stationary report at \$250.00 plus \$40.00 per page is denied.



ROBERT E. MURRAY

Workers' Compensation Judge

REM:lw

cc: Georgia Connolly for Kegel, Tobin & Truce
Adrian Aguire for Klocke Chiropractic