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STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

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PAUL DANIEL,

*Applicant*

vs.

ALLIED SIGNAL AEROSPACE;  
TRAVELERS INSURANCE COMPANY,

*Defendants.*

Case Nos. BGN 148122;  
BGN 148123; BGN 148124;  
BGN 148125

JOINT  
FINDINGS AND AWARD

Law Offices of Kenneth H. Rowen, by Robert Rose, attorneys for applicant;  
Law Offices of Kegel, Tobin & Truce, by Michael A. Ingler, attorneys for defendants.

Applications having been filed herein; all parties having appeared and the matters having  
been regularly submitted, the Honorable JERRE D. VAN GORDER, Judge, now finds, awards  
and orders as follows:

FINDINGS OF FACT

1. PAUL DANIEL, born February 13, 1941, while employed in 1982 (BGN 148125); 1981 or 1982 (BGN 148124); 1985 to 1989 as a welder at Torrance, California by ALLIED SIGNAL AEROSPACE, whose compensation insurance carrier was TRAVELERS INSURANCE COMPANY, sustained injury arising out of and in the course of said employment consisting of bi-lateral tinnitus (BGN 148122) and to the psyche (BGN 148122).

2. Average earnings at injury were \$15.98 per hour.

3. There is not need for medical treatment to cure or relieve from the effects of this injury to the psyche.

4. The liens of record are allowed in a reasonable amount per the admitted fact No. 6 in the Minutes of Hearing of September 2, 1993.

5. Applicant was temporarily disabled from his last day of work to the first of April 1990, for which indemnity is payable at \$224.00 per week.

6. The lien of State of California, Employment Development Department is allowed for the period August 30, 1989 to July 1, 1990 at \$224.00 per week.

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7. Applicant sustained no permanent disability as a result of the injury to the psyche.
  8. Said injury (bi-lateral tinnitus) caused permanent disability of 2%, equivalent to 6 weeks at \$140.00 per week, in the total sum of \$840.00, without apportionment.
  9. There is no reasonable basis for a penalty for failure to pay temporary disability.
  10. Case No. BGN 148124 is barred by the statute of limitations.
  11. Case Nos. BGN 148123 and BGN 148125 are dismissed.
  12. The reasonable value of services and disbursements of applicant's attorney is \$100.00.

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AWARD

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AWARD IS MADE in favor of PAUL DANIEL and against TRAVELERS INSURANCE COMPANY of:

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- (A) Temporary disability indemnity of \$224.00 weekly for the periods specified in Findings of Fact 5, less credit for sums paid, less lien claims allowed as follows: Employment Development Department, as set forth in Findings of Fact 6;
  - (B) Permanent disability indemnity of \$840.00 payable forthwith;
  - (C) Liens as set forth in Findings of Fact 4;

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less \$100.00 as attorney's fees payable to Law Offices of Kenneth H. Rowen.

DATED AT ANAHEIM, CALIFORNIA  
JULY 22, 1994

  
JERRE D. VAN GORDER  
WORKERS' COMPENSATION JUDGE

A Petition for Reconsideration from this decision shall be filed only at the Anaheim district office of the Workers' Compensation Appeals Board.

Service by mail on parties shown on the official address record effected on above date. By: *UB*

STATE OF CALIFORNIA  
WORKER'S COMPENSATION APPEALS BOARD

CASE NOS.  
BGN 148122  
BGN 148123  
BGN 148124  
BGN 148125

PAUL DANIEL

vs.

ALLIED SIGNAL AEROSPACE;  
TRAVELERS INSURANCE COMPANY

WORKERS' COMPENSATION JUDGE:  
JERRE D. VAN GORDER

DATE: July 21, 1994

OPINION ON DECISION

Applicant files four cases alleging various injuries while in defendant's employ. Overall, applicant claims injury to his psyche, left leg and ankle and a hearing loss. Two of his claims relate to the leg injuries arising in 1982 or 1983 (BGN 148125) and again in 1981, 1982 or 1983 (BGN 148124). Case No. BGN 148123 relates to a similar injury in 1982, 1983 or 1985. The Minutes of the initial hearing reflect that BGN 148125 is dismissed and that BGN 148123 is subsumed into BGN 148124. The precision in filing is somewhat reflective of applicant's entire situation.

As to the alleged "leg cases," it is obvious that they are barred by the statute of limitations, were never even reported to the employer until filed in September 1989 and deal with an essential non-industrial varicosity situation based upon the medical report of Dr. Sanford Miller (December 3, 1992) and Dr. Steven Silbart (August 1, 1991). It is found that applicant's claim for any injury to his left lower extremity is non-industrial.

Dr. Joel Frank, oft-used by the Board as an AME, opines that applicant did sustain an injury to his psyche due to applicant's perception of the stress and pressures of the job. Dr. Frank, however, does not find any residual permanent disability and finds that the applicant was temporarily disabled from his last day at work to the first of April 1990. Dr. Frank also concludes that the psychiatric care

afforded applicant was reasonable and necessary. The court finds the report and conclusions of Dr. Frank to be appropriate and it is so found.

There is no finding as to applicant's need for further medical care for his alleged psyche or orthopedic injury. It is noted that the EDD lien covers the period August 30, 1989 to July 1, 1990 at \$224.00 per week. The lien is allowed for the above-referenced period as outlined by Dr. Frank.

Applicant claims a hearing loss. Dr. Reiter considers applicant to have sustained a bi-lateral loss. He does not find tinnitus. Dr. Katz does find tinnitus but has a narrower view of the claimed loss. He also had the advantage of a baseline audiogram in 1977 and 1989 for comparison. His evaluation is thus the more persuasive. The baseline evaluation shows no real-world hearing loss and after subtraction of the present audiogram factors, the result is no rateable hearing loss. However, applicant is awarded the bi-lateral tinnitus which rates at 2%. Applicant is hereby awarded 2% permanent disability or 6 weeks at \$140.00. Applicant is permanent and stationary as of March 10, 1990 or a total of \$840.00.

The liens of record are allowed in a reasonable amount per the admitted fact No. 6 in the Minutes of Hearing of September 2, 1993.

There is no reasonable basis for a penalty for failure to pay temporary disability.

Applicant's counsel is awarded a fee of \$100.00.

  
JERRE D. VAN GORDER  
WORKERS' COMPENSATION JUDGE

JDV:vb