

STATE OF CALIFORNIA
OFFICE OF BENEFIT DETERMINATION
REHABILITATION UNIT

EMPLOYEE: GUADALUPE MARTINEZ
EMPLOYER: WILLIAM SHANAHAM M.D.
INSURER: SAFECO INSURANCE CO. OF
AMERICA
CLAIM #: 19W90297200

CASE NO: 93 Q 12032

DETERMINATION
OF THE
REHABILITATION UNIT

On 9/24/96 the Rehabilitation Unit received the fully executed job analysis of the position at the time of injury. The following disputed issues will now be addressed:

1. Medical Eligibility for vocational rehabilitation services.
2. Entitlement to VRMA benefits from 10/29/91 to the present.

DISCUSSION

The job analysis of the position of housekeeper/maid notes that the job involves infrequent lifting of 21-35 pounds & occasional pushing/pulling. Although frequent twisting/turning is involved the part of the body was not specified (ie neck, low back, upper extremity) nor was it specified whether it was vigorous. Therefore This Consultant will find the job duties do not exceed the restrictions specified by Ronald Levy M.D. in his 10/04/90 report and Guadalupe Martinez is not medically eligible for vocational rehabilitation services.

Since Ms. Martinez was not found to be medically eligible for rehabilitation, VRMA benefits would be due during the period when medical eligibility was in dispute only if there was prima facie evidence per Blunt (49CCC678) and Elizondo (50CCC171). Although Dr. Levy's 10/04/90 report states that she is entitled to vocational rehabilitation, he does not indicate that he asked Ms. Martinez about her job duties or knew what her job involved. Therefore, the 10/04/90 report of Dr. Levy does not constitute prima facie evidence of a need for vocational rehabilitation services.


DETERMINATION

1. Guadalupe Martinez is not medically eligible for vocational rehabilitation services.
2. Guadalupe Martinez is not entitled to VRMA benefits from 10/29/91 to the present.

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This Determination is final. Any aggrieved party must file an appeal with the Workers' Compensation Appeals Board within twenty (20) days from the date of service of this Determination. A copy of any appeal shall be served on the Rehabilitation Unit by the appealing party.



JAMES GAINERY
REHABILITATION CONSULTANT

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CC: Guadalupe Martinez
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Kegel, Tobin & Truce
Career Options