

**WORKERS' COMPENSATION APPEALS BOARD  
STATE OF CALIFORNIA**

**LILIANA IZDREA, *Applicant***

**vs.**

**ALLIED UNIVERSAL SECURITY; XL INSURANCE, administered by ESIS, *Defendants***

**Adjudication Number: ADJ12990134  
Anaheim District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate, we will deny reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Reconsideration is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**March 8, 2021**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**LILIANA IZDREA  
WATERS & ROBINSON**

**PAG/bea**

I certify that I affixed the official seal of the  
Workers' Compensation Appeals Board to this  
original decision on this date. *abs*

# **REPORT AND RECOMMENDATION ON PETITION FOR RECONSIDERATION**

## **I**

### **INTRODUCTION**

The applicant, Liliana Izdrea, 50 years of age, while employed on 5/1/2019, as a security guard, Occupational Group No 212, at Santa Ana, California, by Allied Universal Security, Inc, claimed to have sustained injury arising out of and in the course of her employment to her eyes.

At the time of the claimed injury, the employer's workers compensation carrier was XL Insurance, which is administered by ESIS, Inc.

The applicant has at all times represented herself pro per on this claim. On 12/14/2020, this Court found that the applicant had not met her burden of proving by a preponderance of the evidence that she sustained an injury arising out of and in the course of her employment to her eyes.

On 1/5/2021, applicant filed a timely verified Petition for Reconsideration claiming the decision was procured by fraud, that the evidence presented at trial did not support the findings of fact, that newly discovered evidence could not have been obtained with due diligence, and that the findings of fact do not support the decision and order.

Applicant also seeks to raise new issue that were not set for trial such as discrimination, and that she was harassed and wrongly terminated.

## **II.**

### **FACTS**

The applicant has filed multiple applications for various injuries against different employers that remain open at this time. On 2/12/2000, the applicant filed her application against Allied Universal Security alleging an eye injury on 5/1/2019 caused by something outside blowing into her eyes.

This claimed 5/1/2019 injury was later set for trial while discovery on the applicant's other claims against other employers for injuries claimed such as to the back and a claimed cumulative trauma to the neck with a pulmonary injury remain

in the discovery stage.

The only issues set for trial were the claimed 5/1/2019 injury AOE/COE to the eyes, permanent disability and permanent disability date, apportionment, and need for further medical treatment for the eyes.

On the morning of trial, applicant represented she had some medical records she would like to now serve on defense counsel. Those records were allowed to be served on defense counsel at trial and were marked and admitted as applicant's Exhibits 1 through 4.

The applicant was sent to Concentra to be examined for her complaint that some type of debris flew into her eyes on 5/1/2019. The applicant was later examined by Panel QME, Dr. Jonathan I. Macy who found no industrial eye injury.

### **III.** **DISCUSSION**

Ms. Izdrea has raised many issues and added many documents not offered at the time of trial. She has attached photographs that were taken sometime after the trial. Most of the documents attached to the petition were filed in violation of CCR §10945. Attached documents such as emails unrelated to the issues set for trial and copies of reports marked and admitted into evidence should not have been attached. Applicant has shown no good cause in support of any allegation of evidence that could not have been previously obtained.

On 5/1/2019, applicant was working as a security guard at Deutsche Back in Santa Ana. On 5/3/2019, Concentra examined the applicant for her complaint of eye irritation. The report has a history of the applicant complaining of itching and irritation in both eyes. Applicant is described as not sure if there is something in her eyes from walking outside "when the wind picked up and blew debris." At Concentra, her eyes were rinsed out. Kristin Wong, PA-C found no swelling in the eyes but diagnosed a mild abrasion with some discharge for 2 days. No foreign matter was detected. The medical records from Concentra are marked and admitted as Defendant's Exhibit A.

On 5/6/2019, Dr. Brian Buder at Concentra examined the applicant. Applicant describes yellow drops being placed in her eyes at Concentra. Dr. Buder

found no corneal abrasion and no foreign body in the eyes. Applicant was released to full unrestricted activities.

Dr. Jonathan I. Macy examined the applicant on 12/12/2019 for an ophthalmology Panel Qualified Evaluation Examination. Dr. Macy diagnosed dry eyes and refractive error with presbyopia, which he describes as “developmental in nature.” He concludes that neither the dry eyes nor the refractive error were caused or exacerbated by her employment. Dr. Macy finds no industrial injury.

Ms. Izdrea’s self-procured medical evidence included a prescription from Wendy U. Tran, OD, for eye drops due to dry eye syndrome 1/7/2020. The prescription is marked and admitted as Applicant’s Exhibit 3.

Martin Doll, O D examined the applicant’s eyes on 9/17/2020. There is no evidence of Dr. Doll diagnosing an industrial injury.

There is a report by radiologist, Dr. Tushar Patel at Talbert Medical Group, after a 2/11/2020 CT angiogram of the brain and neck with contrast. The CT of the brain disclosed a “benign densely calcified oval meningioma along the left superior frontal gyrus lateral near the cerebral convexity that measures 0.7 cm AP x 0.5 cm transverse...” There was no associated mass effect.

Ms. Izdrea describes the diagnosis as a non-cancerous brain tumor, but she is concerned that it could become cancerous at any time. She believes she has a brain tumor causing pain and dizziness.

It was found that the applicant had not met her burden of proving by a preponderance of the evidence that she sustained an injury arising out of and in the course of her employment.

The dispute as to applicant’s earnings was moot.

#### **IV.**

#### **RECOMMENDATION**

For the reasons set forth above, it is recommended that the Petition for Reconsideration be denied.

DATE: 1/14/2021

**Nancy M. Gordon**  
WORKERS' COMPENSATION JUDGE