

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

YOULANDA WILLIAMS, *Applicant*

vs.

**LYNWOOD UNIFIED SCHOOL DISTRICT,
permissibly self-insured, administered by
KEENAN & ASSOCIATES AND INTERCARE, *Defendants***

**Adjudication Numbers: ADJ10146961 (MF); ADJ10852071
Marina del Rey District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
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 grant reconsideration, amend the WCJ's decision as recommended in the report, and otherwise affirm the September 27, 2021 Joint Findings and Orders.

We observe, moreover, it is well-established that the relevant and considered opinion of one physician may constitute substantial evidence, even if inconsistent with other medical opinions. (*Place v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 372, 378-379 [35 Cal.Comp.Cases 525].)

For the foregoing reasons,

IT IS ORDERED that reconsideration of the September 27, 2021 Joint Findings and Orders is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the September 27, 2021 Joint Findings and Orders is **AFFIRMED, EXCEPT** that it is **AMENDED** as follows:

FINDINGS OF FACTS

ADJ10146961 (MF)

* * *

3. Applicant was temporarily disabled from July 10, 2015 through August 6, 2015.

* * *

ADJ10852071
DOI August 25, 2015 through April 23, 2020

YOULANDA WILLIAMS, born [], while employed during the period of August 25, 2015 through November 8, 2016, as a special ed instructional assistant, Occupational Group No. 214, at Lynwood, California, by Lynwood Unified School District, permissibly self-insured, administered by Keenan & Associates, did not sustain injury arising out of and in the course of employment to her psyche and internal.

All other issues regarding ADJ10852071 are moot.

* * *

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

MARGUERITE SWEENEY, COMMISSIONER
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

December 20, 2021

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

**YOULANDA WILLIAMS
LAW OFFICES OF EDWARD SINGER
DABBAH HADDAD SULEIMAN**

PAG/abs

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

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

**I.
INTRODUCTION**

- | | | | |
|----|---|---|--|
| 1. | Applicant's Occupation | : | Special Ed Instructional Assistant |
| | Applicant's Age | : | 46 |
| | Date of Injury | : | May 12, 2015
August 25, 2015 through November 8, 2016
(Alleged on Application) |
| | Parts of Body Injured | : | Neck
Psyche, internal |
| | Manner in which injury occurred | : | Hit by a ball
Cumulative trauma |
| 2. | Identity of Petitioner | : | <u>Applicant</u> filed the Petition. |
| | Timeliness | : | The petition is timely. |
| | Verification | : | The petition is verified. |
| | | : | <u>Defendant filed a Answer.</u> |
| | Timeliness | : | The Answer is timely. |
| | Verification | : | The Answer is verified. |
| 3. | Date of Findings & Order | : | September 27, 2015. |
| 4. | Petitioner contends that: the orders, decision or awards were not within the WCJ's powers, the evidence does not justify the findings of fact, and the findings of fact do not support the orders, decisions or awards. | | |

**II.
FACTS**

[Procedural]

The matter was submitted and an initial Joint Findings and Order was issued on May 24, 2021. Applicant's attorney filed a Petition for Reconsideration and Defendant filed an Answer. The WCJ noted the Opinion on Decision had not served on the parties with the Findings and Order. Therefore, the WCJ vacated the Order, convened a Trial and reissued the Joint Findings and Order on September 27, 2021. Applicant's attorney filed a second Petition for Reconsideration and Defendant filed [a] second Answer.

**ADJ10146961 MF
MAY 21, 2015**

Youlanda Williams, born [], while employed on May 21, 2015 as a special ed instructional assistant, Occupational Group No. 214, at Lynwood, California by Lynwood Unified School

District (Hereinafter, Lynwood) claims to have sustained injury arising out of and occurring during the course of employment to her neck. (MOH/SOE 1/20/21, p. 2, lines 10-12).

The carrier/employer has paid compensation as follows: Temporary disability and salary continuation at \$421.07 from May 26, 2015 through June 5, 2015. Temporary disability and salary continuation at \$315.81 from June 8, 2015 through July 9, 2015. The employee has been adequately compensated for all periods of temporary disability claimed through present. (Date of Trial January 12, 2021.) (MOH/SOE 1/20/21, p. 2, lines 14-17).

Applicant was discharged by Dr. Bhatt on August 6, 2015, but was treating during the period of July 9, 2015 through August 8, 2015. (MOH/SOE 1/20/21, p. 2, lines 22-23).

The school year ended July 9, 2015. Applicant was a permanent part time employee. (MOH/SOE 1/20/21, p. 2, lines 22-24).

Applicant testified that on May 21, 2015, applicant was hit in the head with a ball. As a result she hit her neck, left eye, and left shoulder. She continued treating past the school year for her injury of 2015. (MOH/SOE 1/20/21, p. 6, lines 6-8).

Temporary Disability:

Applicant alleged temporary disability from July 10, 2015 through August 6, 2015. (MOH/SOE 1/20/21, p. 3, line 6). Applicant was discharged by Dr. Bhatt on August 6, 2015. (MOH/SOE 1/20/21, p. 2, line 22). Applicant confirmed she returned to work in early August 2015. (MOH/SOE 3/24/21, p. 4, line 4.) The parties stipulated the employee has been adequately compensated for all periods of temporary disability claimed to present (January 12, 2021). (MOH/SOE 1/20/21, p. 2, lines 16-17). Page 4 of the Opinion on Decision correctly states that it is “found that the applicant was temporarily disabled from July 10, 2015 through August 6, 2015.” The Findings of Fact for ADJ10146961 (MF) [paragraph] #3 has a clerical error wherein it states: “Applicant was temporarily disabled from July 10, 2015 through January 23, 2016.” The WCJ recommends the clerical error in the Findings of Fact be corrected: “Applicant was temporarily disabled from July 10, 2015 through August 6, 2015.”

Permanent Disability:

Applicant claims the WCJ should have decided permanent disability on the reporting of Dr. Ha’eri dated February 10, 2016 where in Dr. Ha’eri found muscle spasm, tenderness and guarding to the cervical spine and found a Category II, 5% whole person impairment. (Exhibit “5”, p. 2). He returned her to full duties without any restrictions. (Exhibit “5”, p. 3). Dr. Ha’eri stated 100% of the injury was caused by the specific injury, but had not reviewed any automobile accident records. Dr. Ha’eri did not discuss the “history of prior motor vehicle accident injuries” but mentioned them only in passing. However, the WCJ found the reporting of Marc Freidman, M.D. dated January 23, 2016 more persuasive. Dr. Freidman discussed the February 2, 2015 motor vehicle accident where Applicant had injuries to her neck and eye when she hit the steering wheel, with treatment for two months. (Exhibit “5”, p. 2). Although the Applicant told Dr. Freidman of her subjective complaints of left sided stiffness and aching and “subjective sense of decreased sensation fourth and fifth fingers on the left, Dr. Freidman comments that he finds, “no true

radicular symptoms.” (Exhibit “C”, p2). Dr. Freidman did not note any spasm. Given the applicant’s lack of credibility, and the better reasoned, more complete reporting of Dr. Freidman, applicant was not awarded permanent impairment.

Future Medical Care:

Dr. Ha’eri stated that future medical care should be provided over the next six months for the flare-up of her symptoms. Future medical care should include short course of conservative medical care, such as chiropractic or physical therapy. (Exhibit “5”, p. 4) The six-month period has expired. Further, the WCJ found the reporting of Marc Freidman, M.D. more complete and persuasive. Dr. Freidman discussed the February 2, 2015 motor vehicle accident where applicant had injuries to her neck and eye when she hit the steering wheel, with treatment for two months. Although the Applicant told Dr. Freidman of her subjective complaints of left sided stiffness and aching and “subjective sense of decreased sensation fourth and fifth fingers on the left, Dr. Freidman comments that there are, “no true radicular symptoms.” (Exhibit “C”, p. 2). Given the applicant’s lack of credibility, and the better reasoned and more complete reporting of Dr. Freidman, Applicant was not awarded future medical care.

ADJ10852071

August 25, 2015 to November 8, 2016 (Alleged on Application)

August 25, 2015 to April 23, 2020 (Applicant alleges now)

Youlanda Williams, born [], alleged a cumulative trauma claim while employed as a special ed instructional assistant, Occupational Group No. 214, at Lynwood, California by Lynwood Unified School District claims to have sustained injury arising out of and occurring during the course of employment to her psyche and internal. (MOH/SOE 1/20/21, p. 3, lines 17-20).

Date of Injury:

The WCJ finds that the date of injury for the cumulative trauma claim is based upon the medical reporting of Patrick Link, M.D. and the Application for Adjudication which both give a date of injury of August 25, 2015 through November 8, 2016. Applicant has not supplied specific evidence to change the date of injury. They refer to the reporting of Dr. Curtis which the WCJ does not find substantial evidence as discussed below. Additionally, as the WCJ believes the Applicant lacks credibility, her history cannot be relied upon to establish the date of injury. Finally, as the WCJ finds there was no psychiatric injury, the issue is moot.

Psychiatric Injury

Within Applicant’s Petition for Reconsideration, the Applicant argues that Applicant’s treating physician, Thomas Curtis, M.D. found that the Applicant had a GAF score of 53 (26% WPI). (Exhibit 2, p. 9). Then, Applicant offered into evidence the reporting of Ralph Lissaur, M.D. dated May 6, 2013 (Exhibit “4”). Dr. Lissaur was the PQME on the applicant’s prior claim with the Los Angeles Unified School District. (Hereinafter, LAUSD) Dr. Lissaur provides a GAF of 68 (3%WPI). (Exhibit “4”, p. 18). Dr. Link assigns a GAF of 57 (20 WPI). Applicant argues that because the GAF of Dr. Curtis and Dr. Link result in a higher WPI than the reporting of Dr. Lissaur, MD, and that Dr. Link failed to review Dr. Lissaur’s report, and Applicant’s specific testimony of

the abuse that was suffered at Lynwood, then there must have been an injury at Lynwood. The WCJ disagrees.

Dr. Link wrote that he reviewed over 3,900 pages of records as part of his initial evaluation. They were illuminating and showed some clear patterns:

1. The Applicant has developed physical health problems when under significant psychological stress. These include gastrointestinal distress, abdominal pain, headaches, diffuse body aches, and atypical chest pain. She has, at times, very actively pursued healthcare evaluations of these problems.
2. She has been treated intermittently for psychiatric symptoms since at least October 2001, with more significant periods of treatment that started in 2004 and 2006 after her claimed injuries at LAUSD.
3. She has had conflicts with supervisors and coworkers at the vast majority of her work sites. These conflicts have usually centered on ways in which her coworkers and supervisors are acting inappropriately, speaking up about their inappropriate behaviors, her perception of being discriminated against by coworkers and supervisors because of either outspokenness or her race/ethnicity, or perception of being threatened by coworkers, and her perception of being repeatedly targeted for termination.
4. Tendency to conflict with others has manifested outside of the workplace, as she has noted to be “demanding, hostile, loud, and obnoxious” during visits with healthcare providers. She has also had tumultuous relationships with ex-boyfriends and has not been able to maintain a successful long-term relationship.
5. She has a long history of litigiousness, having filed lawsuits in formal complaints against ex-roommates (including for small amounts of money owed), clinicians, attorneys, judges, insurance companies (the work injuries and car crashes), employers and coworkers.

(Exhibit “A”, p. 5-6)

Dr. Link diagnosed Applicant with generalized anxiety disorder and a mixed personality disorder with paranoid, narcissistic, and obsessive-compulsive traits. The doctor found a GAF of 57 (WPI 20%) and noted that there are two possible ways to view this case. Either:

- 1) The Applicant received pervasive abuse while working for the Lynwood Unified School District, and that she psychiatrically deteriorated. For such alleged abuse to have caused her current psychiatric deterioration, the trier of fact would have to find that she was, in fact, abused, and there would have to be some clinical evidence that her psychiatric symptoms from her prior LAUSD claim had significantly improved (with a GAF greater than 57) before she began working for the Lynwood Unified School District.
- 2) *The Applicant’s personality disorder causes her to get into conflicts in most areas of her life, such that she has persistent psychiatric symptoms that have existed for many years, including before her employment with the Lynwood Unified School District. Although she may have experienced stressors with the school district-even abuse, it did not lower her GAF. As such,*

her ongoing psychiatric symptoms are best seen as a continuation of a lifelong psychiatric illness or her pending LAUSD claim. (emphasis added)

Dr. Link further notes that unless and until the trier of fact finds (1) that the Applicant was abused during work with the Lynwood Unified School District and (2) additional records are produced that show her GAF to have been higher than 57 after she stopped working for LAUSD and before problems began with the Lynwood Unified School District, I must find that her ongoing psychiatric symptoms are a continuation of a life-long psychiatric illness or her pending LAUSD claim. As such, given the current database, I found her current psychiatric injury claim noncompensable. (Exhibit "A", p. 7)

The doctor notes that this is a very unfortunate woman who has psychiatrically suffered for a long time. Her personality disorder and generalized anxiety are not her fault, but represent pervasive difficulties foisted upon her by childhood and developmental factors that were not her fault. As such, the doctor notes that while *she needed a significant amount of mental health care, it should be provided either non-industrially or as part of her prior LAUSD claim. (emphasis added).* (Exhibit "A", p. 8)

In discussing the Beck Psychological Assessments, Dr. Link noted that Applicant's symptoms have been roughly the same over many years when comparing prior testing from Drs. Allen, Curtis, Goalwin and Chaffe. (Exhibit "B", p. 33)

When discussing causation, Dr. Link stated, "... It is quite striking how many people the Applicant has had conflicts with, how many settings these conflicts have occurred in, and how long such conflicts have been occurring throughout her life. Her personality disorder is clearly a major driver in her tendency to get into conflict with others and thus, her tendency to experience anxiety because of these conflicts. (Exhibit "B", p. 35)

Trial testimony:

Applicant Williams Cross Examination:

Within cross-examination at trial, Applicant admitted she had filed five prior claims against the prior employer LAUSD, all of them included psyche. (MOH/SOE 1/12/21, p. 9, lines 9-11)

Applicant affirmed that she had been representing herself and pursuing multiple claims against LAUSD while working for defendants, and she experienced stress as part of litigation against the prior employer. (MOH/SOE 1/12/21, p. 10, line 7)

Applicant testified that while working at LAUSD she was threatened by a coworker. She reported this, did not feel she was taken seriously, filed a claim against LAUSD, and was taken off work for eight months and prescribed Xanax and Zoloft for anxiety and depression, in addition to being sent to counseling two times per week. (MOH/SOE 1/12/21, p. 9, line 22 - p. 10, line 7.)

Applicant testified that she returned to work at LAUSD in 2006 and the new Dean was a former teacher, that she did not feel liked her. She complained about the Dean to the [principal] and assistant principal four times between August 2006 and October 20, 2006. (MOH/SOE 1/12/21, p. 10, lines 14-15.)

Applicant testified that she felt that he violated her privacy by looking on her work computer, which she admitted was a school computer and not her own property. She felt that he retaliated against her for complaining about him. (MOH/SOE 1/12/21, p. 10, lines 18-24.)

Applicant testified to another incident while working for LAUSD in which the Dean yelled at her and a student. She was shaking and crying and went to the emergency room where she was prescribed medication. The doctor took her off work and she never returned to that school site. She was certified for state disability and was off work for approximately one year. (MOH/SOE 1/12/21, p. 10, line 25 – p. 11, line 5.)

Applicant testified she felt the administration at her prior employer was being unjust, unsupportive, and were trying to get rid of her. (MOH/SOE 2/23/21, p. 2, lines 7-9)

Applicant testified she returned to work for LAUSD at a different school site for about three weeks, and then was taken off work again for stress. (MOH/SOE 2/23/21, p. 2, lines 12-13)

Applicant confirmed she was written up more than one time, but she believes the writeups were petty. (MOH/SOE 2/23/21, p. 2, lines 15-16)

Applicant testified that she had filed an EEOC claim against her prior employer LAUSD as well as a grievance against her union because she felt they were not representing her properly. The grievance was never resolved. (MOH/SOE 2/23/21, p. 2, lines 23-25)

Applicant testified she returned to a new school site at LAUSD, felt overloaded with work, felt she was not trained properly and was having difficulty with coworkers, and the assistant principal described her as very aggressive. She felt he was wrong, and they were singling her out. (MOH/SOE 2/23/21, p. 3, lines 1-4)

Applicant testified she was transferred to a different LAUSD school in Marina del Rey. She believed this transfer was outside her work restrictions and she filed complaints with the administration and with her union. (MOH/SOE 2/23/21, p. 3, lines 11-13)

Applicant testified she was transferred to another LAUSD school around 2/10/10. She felt the coworkers were territorial and impeding her. She was transferred to a different office and was then taken off work on stress leave. (MOH/SOE 2/23/21, p. 3, lines 14-18)

Applicant testified she was transferred to another LAUSD school site where she believed she was harassed, and her character was defamed. She further testified that she believed the administration was impugning her character and she was made to perform work outside her classification and was not given a computer, desk, or restroom key. She contacted her union regarding harassment and was moved to another location; she felt her supervisor was coming after her and was singling her out, in addition to believing coworkers had hidden her keys. (MOH/SOE 2/23/21, p. 4, lines 1-14)

Applicant testified she had a meeting with administration, and she raised her voice, the school called the police and they asked her to leave; she believed she was being targeted and was placed back on medical leave. (MOH/SOE 2/23/21, p. 3, lines 15-18)

Applicant testified she was laid off from LAUSD, although she believes the layoff was pretextual and they were just trying to get rid of her. She filed a wrongful termination suit against LAUSD and received a \$40,000 settlement. She also filed a lawsuit against LAUSD in federal court, in which she represented herself. She also sued her attorney in a related matter because she did not feel she represented her adequately and was negligent. (MOH/SOE 2/23/21, p. 4, line 19 - p. 5, line 2)

Applicant testified she was suing Carlin & Bushbaum and had filed a complaint with the State Bar against Carlin & Bushbaum. (MOH/SOE 2/23/21, p. 5, lines 5-6)

Applicant testified she believed she was wrongfully terminated by LAUSD and black-balled by an administrator who told a third-party verification service that she was a “workers’ compensation nightmare times three,” which made it difficult for her to find work. She in turn, filed a claim in 2006 for \$3 million in damages and \$6 million in future damages. (MOH/SOE 2/23/21, p. 5, lines 7-13)

Applicant affirms deposition testimony in which he stated Dr. Goalwin had given her a GAF score of 55, and previously a GAF score of 50. (MOH/SOE 2/23/21, p. 5, lines 16-18)

Applicant testified she had filed a stress claim against employer Hodge Medical Group in the early 1990s. She believed they were asking her to do things that she did not feel was proper such as overbooking patients. She did take time off for stress. (MOH/SOE 2/23/21, p. 6, lines 13-16)

Applicant affirmed that if Dr. Chaffe’s reporting indicated that she had been fired from a temporary job because she spoke up about something she would agree with it. (MOH/SOE 2/23/21, p. 7, lines 9-11)

Applicant confirmed that if Dr. Curtis’s report of 2/23/05 indicated she was terminated from the community college foundation, then she was terminated. (MOH/SOE 2/23/21, p. 7, lines 12-13)

Applicant testified to taking multiple people to small claims court, in one instance for as little as \$24. She believed that this was her recourse and to right a wrong. (MOH/SOE 2/23/21, p. 7, lines 14-17)

Applicant testified to litigating for motor vehicle accident with injuries to her neck and receiving various sums of money. (MOH/SOE 2/23/21, p. 7, lines 18-22)

Applicant testified to filing a grievance against Mansoor Shah, MD, because she had to wait too long at a walk-in appointment. (MOH/SOE 2/23/21, p. 7, lines 23-24)

Applicant testified she terminated her relationship with four different attorneys for various reasons including that they were not working in her best interests. She also filed complaints about WCAB judges as she felt they were biased against her. She filed complaints against I&A officers at the Marina del Rey and Long Beach Boards. (MOH/SOE 2/23/21, p. 8, lines 3-16)

Applicant testified she has had many conflicts in her personal life, has never married, and the longest intimate relationship lasted about a year and was many years ago. (MOH/SOE 2/23/21, p. 8, lines 18-19)

Applicant testified when she was in the sixth grade she attempted suicide because her father would not allow her to hang out with her friends, and did not have any counseling regarding the incident. (MOH/SOE 2/23/21, p. 8, lines 20-21)

Applicant testified as a child, Applicant's mother had alcohol problems and would leave her with others for extended periods of time, and Applicant's grandmother called social services when Applicant's mother was arrested and jailed for conspiracy. (MOH/SOE 2/23/21, p. 8, lines 21-24)

Applicant testified she saw her mother physically abused, and after being removed from her mother, Applicant did not see her again until she was 18 years old; she did not have any counseling regarding her mother's abuse and her mother died in 2004 from cirrhosis of the liver. (MOH/SOE 2/23/21, p. 9, lines 1-3)

Applicant testified her father was strict and authoritarian and would hit her with a paddle and a belt, mainly for not getting good grades. (MOH/SOE 3/24/21, p. 2, lines 10-12)

Applicant testified she ran away from home at age 17 and went to a police station and was placed in several different foster homes. She did not want to answer why she ran away from home. She stayed with a friend for a period of time, but then was placed in foster care because her father did not want her to return to his home. (MOH/SOE 3/24/21, p. 2, lines 13-21)

Applicant testified she was the victim of domestic violence with two separate relationships. One boyfriend choked her and was arrested, she continued with the relationship, and eventually she left and filed a restraining order because he threatened to kill her. (MOH/SOE 3/24/21, p. 2, lines 22-25)

Applicant testified she was raped in high school, which was devastating, and she did not receive any therapy or counseling. (MOH/SOE 3/24/21, p. 3, lines 1-2)

Applicant testified that after her termination from Lynnwood she sent flowers to Principal Verduzco and teacher Ms. Acosta. She also protested outside the school with one other person. (MOH/SOE 3/24/21, p. 4, lines 14-18)

Applicant testified on direct examination that she was asked to assist with other students, and other teachers were not asked to assist with other students when she was in the classroom. (MOH/SOE 5/5/21, p. 7, lines 11-12)

Applicant testified on cross-examination that she did not know the other assistants' educational backgrounds, work history, their exact task, or direction. She did not know what all of them were requested to do or asked to do. (MOH/SOE 5/5/21, p. 8, lines 1-3)

Ms. Bonita Acosta's Direct Testimony (teacher at Lynnwood):

Ms. Acosta testified she called Applicant "Miss" as it shows respect. Ms. Acosta also testified she was not overly critical of Applicant's work, and she did not show favoritism to any other assistant in the classroom. (MOH/SOE 3/24/21, p. 5, lines 5-8)

Ms. Acosta testified that Applicant had performance issues and would not follow lessons plans the way they were written. Ms. Acosta also testified Applicant was resentful with coworkers in the classroom, was not receptive to working together and that Applicant created a hostile work condition as it was difficult to get Applicant to work as a team member. At times the Applicant did not want to work with Ms. Acosta. (MOH/SOE 3/24/21, p. 5, lines 9-18)

Ms. Acosta testified that after Applicants left her work, Applicant sent her a note and some flowers. The note said something to the effect, "Love your enemies," which Ms. Acosta took as threatening. She felt unsafe and reported to Principal Verduzco and security, and security would escort Ms. Acosta to her car. (MOH/SOE 3/24/21, p. 5, lines 19-23)

Ms. Acosta testified that Applicant also protested outside the office, which caused Ms. Acosta to feel unsafe and report to Principal Verduzco and campus security and a co-worker escorted her to her car. (MOH/SOE 3/24/21, p. 5, line 23-p. 6, line 1)

Ms. Acosta testified She also called other classroom assistance by their first name, last name, and at times "Miss." (MOH/SOE 3/24/21, p. 6, lines 6-7)

Mr. Carlos Zaragoza, direct testimony (Lynwood Director of Human Resources):

Mr. Zaragoza testified that he worked to make sure any of the benefits were paid to her or reinstated, and if any meetings were held during school hours, there were not any human resource repercussions, and she was not docked any time for attending meetings. (MOH/SOE 3/24/21, p. 7, lines 8-11)

Mr. Zaragoza testified that he was not aware of the Applicant requesting or being denied a Skelly hearing. He further testified that Lynwood had approximate five people complain about the Applicant's behavior and Lynwood worked to remedy any issues. (MOH/SOE 3/24/21, p. 7, lines 11-17)

Ms. Sandra Verduzco, direct testimony (Lynwood Principal):

Ms. Verduzco testified that she did not show any favoritism and she noted performance issues with the Applicant which included ability to communicate effectively with other classroom teachers, and later noted Applicant having difficulty taking initiative are implementing instructions from the teacher. (MOH/SOE 5/5/21, p. 2, line 22 – p. 3 line 2)

Ms. Verduzco testified that she counseled the Applicant regarding the need to remain professional with parents of students and she was not to tell parents that the staff was not getting along and should rather address the issue with her as they could be remedied. Applicant did not respond well to the direction. Applicant was never singled out. (MOH/SOE 5/5/21, p. 3, line 8-14)

Ms Verduzco testified she recommended termination as it was difficult to work with the Applicant in terms of communications and the Applicant being receptive to those communications. (MOH/SOE 5/5/21, p. 3, line 18-19)

Ms. Verduzco testified the Applicant sent flowers and a note to the effect of, "Love your enemies," which [Principal] Verduzco and the teacher felt were threatening. Verduzco testified she felt

unsafe and reported this to campus security and requested escorts to and from her car. Later, Applicant protested outside the school office which caused [Principal] Verduzco to feel unsafe again and she reported this to security and again requested for escorts to and from her car. (MOH/SOE 5/5/21, p. 3, line 20 – p. 4 line 2)

Ms. Verduzco testified she does not have any knowledge of Applicant requesting a Skelly hearing. (MOH/SOE 5/5/21, p. 4, line 5-6)

Ms. Marisol Indaya direct testimony (Lynwood teacher):

Ms. Indaya testified that she had asked Applicant to go to another building approximate 50 steps away from the classroom to get some paper to decorate. She was not singling the Applicant out or punishing her. Other classroom staff were busy with other task and Applicant had just returned from lunch. Applicant refused to go because it was hot outside. (MOH/SOE 5/5/21, p. 6, lines 8-12)

Ms. Indaya testified that she did not say negative things about Applicant to others, treated her the same as others, and Applicant just stopped showing up with no explanation. (MOH/SOE 5/5/21, p. 6, lines 13-16)

Ms. Indaya testified she noticed the applicant created animosity in the classroom and the teachers aides were no longer collaborating. (MOH/SOE 5/5/21, p. 6, lines 17-18)

Discussion:

Applicant alleges that because Dr. Lissaur's 5/6/13 report provides a GAF of 68 (3%WPI) (Exhibit "4", p.18), then it proves Applicant's condition deteriorated while at Defendant Lynwood. However, excerpts of subpoenaed records from [Tobin Lucks] were admitted into evidence as Defendant's Exhibit "J". As part of litigation in her claims against prior employer, Los Angeles Unified School District, Applicant saw Julie Goalwin, PhD who in her 4/13/16 report gave a GAF score of 50. (30%), (Designated records [Tobin Lucks] p. 144.) Dr. Goalwin's GAF of 50 is greater than the GAF of 57 diagnosed by Dr. Link. Dr. Goalwin's reporting was 3 years after that of Dr. Lissaur. Whether Dr. Link reviewed Dr. Lissaur's reporting is of no consequence. Dr. Link did review over 3,900 pages of records regarding the prior claims, which included the reporting of Dr. Goalwin and the alleged injury at LAUSD.

Applicant attended her treating physicians who issued 3 comprehensive reports. The Initial Report was issued on 7/25/17 by Gayle Windman, Ph.D. The report discusses some personal and family history, but further states Applicant did not expand on the topics. The report states relationships with mother and father were "mostly positive" and "positive", and that her childhood was "mostly happy and normal", (Exhibit "1", p. 4)

These statements are not constituent with the totality of the evidence, i.e. the [Tobin Lucks] subpoenaed records. (Exhibit "J") Further under cross-examination Applicant testified when she was in the sixth grade she attempted suicide because her father would not allow her to hang out with her friends, and did not have any counseling regarding the incident. As a child, Applicant's mother had alcohol problems and would leave her with others for extended periods of time, and Applicant's grandmother called social services when Applicants mother was arrested and jailed

for conspiracy. She saw her mother physically abused, and after being removed from her mother, Applicant did not see her again until she was 18 years old; she did not have any counseling regarding her mother's abuse and her mother died in 2004 from cirrhosis of the liver. Her father was strict and authoritarian and would hit her with a paddle and a belt, mainly for not getting good grades. She ran away from home at age 17 and went to a police station and was placed in several different foster homes. She did not want to answer why she ran away from home. She stayed with a friend for a period of time, but then was placed in foster care because her father did not want her to return to his home. This testimony is definitely not consistent with the treating physician's reporting that the applicant's relationship with her parents were "mostly positive" or "positive", nor that her childhood was "mostly happy and normal." Her childhood was anything but normal. The history within the reporting of Psychologist Windman and Dr. Curtis is seen as incomplete and lacking in important specific details.

Within Dr. Windman's reporting, Applicant reports: "In 2006, Ms. Williams injured her psyche and stomach due to job stress. There was a psyche component. This case is still in process. She recovered completely." The report list two other psyche injuries in 2004 and 1999 where she reports she recovered completely. (Exhibit "1", p. 4) Again this is not consistent with the totality of the evidence, i.e. the TobinLucks subpoenaed records wherein Julie Goalwin, PhD, who within her 4/13/16 report gave a *GAF score of 50. (30%),* (Exhibit "J", Designated records TobinLucks p 144.) She reports: "in regard to her mental health history, Ms Williams *reported no previous episodes of comparable emotional upset or confusion.*" Given Applicant's prior history, of her early home-life dealing with her parents, her mother being incarcerated for [conspiracy], being raped, attempting suicide, running away from home, and not being accepted back into her parent's home, it is just not credible that she has not had any previous episodes of comparable emotional upset or confusion or that she fully recovered from her prior claims.

Additionally, the reporting from Dr. Curtis office is not consistent. Psychologist Windman opines 80% industrial apportionment and 20% to past and personal life events. While Thomas Curtis. MD's 10/1/18 P&S report opines apportionment of 70% industrial, without explaining the reason for the difference in the reporting within his office. Additionally, the doctor writes, "for the sake of time and expense, there will not be an inclusion here of factors for which apportionment was considered." (Exhibit 2, p. 13) The WCJ considers this reporting inconsistent and lacking in detail in order to support a finding of substantial evidence.

Thomas Curtis. MD issued his last report on 10/25/18. Within this report it appears the only medical records or reporting that Dr. Curtis reviewed was his own reporting and the report of Panel Qualified Medical Evaluator Patrick Link, MD. Dr. Curtis did not have the opportunity to review the multitude of records (3900 pages) reviewed and considered in the more complete and well-reasoned reporting of Dr. Link. Dr. Curtis further states he did not even review the report of Dr. Link, but that: "The records were sorted, organized and excerpted by a trained clerical word processor at eData Services." (Exhibit "3", p. 12). The WCJ does not know the qualifications of the "word processor" in determining medically what is and what is not important, within the only medical record reviewed by either Dr. Windman or Dr. Curtis.

Dr. Link does review the P&S report from treating psychiatrist, Thomas Curtis, M.D. dated 10/1/18. The doctor indicates that the records show that the applicant gave Dr. Curtis essentially the same history she gave to Dr. Link, albeit with less detail as she was unwilling to discuss with

him important parts of her past. For example, she refused to discuss with Dr. Curtis the many traumas of her childhood, although she did acknowledge attempting suicide as a child and being raped as a teenager. The doctor further commented that Dr. Curtis had not been provided the additional data that Dr. Link had been given which led Dr. Link to conclude that the Applicant's psychiatric deterioration was likely nonindustrial in nature or was related to her prior injury at LAUSD. Dr. Curtis found Applicant's claim compensable; however, without additional records that show her GAF to have been higher than 57 after she stopped working at LAUSD and before her problems began with the Lynwood Unified School District, and thus Dr. Link maintains that her claim is non-compensable. (Exhibit "B" p. 8-9).

Further, Julie Goalwin, Ph.D. was a reporting consulting psychologist for the LAUSD case. A review of Dr. Goalwin's, 4/13/16 report, where the evaluation was conducted approximately 6 months after the Lynwood claim was filed, shows she gave 30% WPI with 90% apportioned to the LAUSD claim. Again, this report indicates, "she had loving relationships with her parents." And her childhood being "okay" except for her mother's drinking. (Exhibit "J", p. 136). Applicant tells Dr. Goalwin about being consumed with several cases against LAUSD, as well as a civil cases against Carlin and Buschbaum for negligence. (Exhibit "J", p 145) There is no mention of the stress claim against Lynwood.

As part of the litigation against her employer, LAUSD, applicant saw Jon Chafee, MD as the QME in psychiatry, who in his 05/07/09 report notes that a treating doctor issued a report indicating that she was irate and shouting at staff and used profanity, along with demanding medication and was hostile. (Exhibit "J", p. 514) Dr. Chafee diagnosed applicant with Personality Disorder with Dependent, Histrionic, and Obsessive-Compulsive traits and a GAF score of 55. (Exhibit "J", p. 523) He further notes that as part of the personality disorder applicant tends to be very rule based without understanding complexities of the situation, along with filing numerous legal complaints just to make a point, and she has become dependent on her doctors and the legal system to help meet the unmet needs of her traumatic childhood with lack of stability, foster care, date rape, physical abuse, neglect, and adult domestic violence which have laid the foundation for the Personality Disorder. (Exhibit "J", p. 523) It is interesting to this WCJ how this 2009 reporting is consistent with the current reporting of Dr. Link.

As part of the applicant's litigation against prior employer, Hauch Medical Group, applicant saw Eric Marcus, MD in psychiatry. Dr. Marcus notes the applicant was accused of being rude on the phone to patients, felt that the administration was picking on her, she was written up for rude behavior towards others, and co-workers complained of her being rude to them and to patients. (Exhibit "J", p. 3046)

Although the Applicant within her Petition cites testimony that Ms. Acosta would be nitpicky, belittle her and exhibited favoritism, Ms. Acosta on the other hand provided credible testimony that she called the Applicant "Miss" only as a sign of respect and that she was not overly critical of the Applicant's work. Ms. Acosta would call others by their first name, last name or "Miss". Ms. Acosta further testified that she did not show any favoritism in the classroom and that the Applicant would not follow lesson plans and direction and created a hostile condition within the classroom, which impacted the ability of everyone to work together. Ms. Acosta also testified that she felt threatened by the Applicant's later actions and that the Applicant viewed her as an enemy, which prompted Ms. Acosta to report feeling unsafe and requesting escorts to her car.

Principal Sandra Verduzco credibly testified at trial that she herself did not show any favoritism but noted that the Applicant did not communicate effectively with co-workers. Applicant had difficulty implementing instructions from Mr. Acosta. Principal Verduzco confirmed that she counseled Applicant on how to maintain professional relationships with the students and parents and confirmed it would be inappropriate for any perceived personal issues to be discussed with parents but should rather be addressed with administration. Principal Verduzco recommended termination due to Applicant's inability to maintain professional relationships. Also, Applicant's response to Applicant's termination made Ms. Verduzco feel unsafe on multiple occasions and request security escorts. Ms. Verduzco confirmed Applicant never reported the psychiatric injury and that she had no knowledge of the Applicant ever requesting a Skelly hearing.

Applicant also served in the classroom teacher Marisol Indaya, who testified credibly at trial and confirmed that she did not show any favoritism in her classroom, did not say negative things about the Applicant to others, and similar to Ms. Acosta and Principal Verduzco also noted issues with Applicant not communicating well with other classroom staff. Ms. Acosta testified Applicant had problems following directions, and was asked to walk to another building 50 steps away to obtain necessary materials, and the applicant refused to go stating it was hot outside. The applicant created animosity within the classroom.

Given there was not any evidence to confirm Applicant's allegations, other than her unsupported testimony, when compared with the testimony of the witness, and the subpoenaed records of [Tobin Lucks], (Exhibit "J"), which shows the Applicant's many psyche claims against other employers, law suits against friends and complaints against workers' compensation judges and Information & Assistant Officers, complaints against at least 4 prior attorneys and the Applicant's inability to get along with basically anyone she comes in contact with, and considering the reporting of Dr. Link, the WCJ did not find the Applicant's testimony regarding actual events at the workplace credible. During trial the WCJ was able to evaluate and consider Applicant's and all the witness demeanor and presentation.

Consistent with Dr. Link's reporting the WCJ does not find that the applicant received pervasive abuse while working for the Lynwood Unified School District, and does not find that she psychiatrically deteriorated, but instead finds *the applicant's personality disorder causes her to get into conflicts in most areas of her life, such that she has persistent psychiatric symptoms that have existed for many years, including before her employment with the Lynwood Unified School District. Although she may have experienced stressors with the school district-even abuse, it did not lower her GAF. As such, her ongoing psychiatric symptoms are best seen as a continuation of a lifelong psychiatric illness or her pending LAUSD claim. (emphasis added)*

Based on the above, the WCJ does not find the Applicant actually experienced stressors with the Lynwood or abuse, but instead perceived she was abused. The applicant did not support any of her testimony with documentary proof that any of the allegations in fact did occur.

Further, the WCJ did not find Gayle Windman Ph.D.'s or Thomas Curtis, MD's medical reports to be substantial evidence as they were working with a false and inaccurate history. The applicant refused to go into details regarding her childhood and they did not have the opportunity to review the 3900 plus pages reviewed by the more persuasive Patrick Link, MD.

This WCJ does not accept the premise of the Applicant's Petition that if Dr. Link did not review the reporting of Dr. Lissaur who provided a higher 68 GAF score, that it makes Dr. Link's reporting faulty. Dr. Link had more than sufficient records to render an opinion that the WCJ finds is well reasoned, complete and is substantial evidence.

When the WCJ compares the testimony off Lynwood's witness, the subpoenaed records of TobinLucks (Exhibit "J) with the applicant's testimony, and watching the applicant testify it is not difficult to determine the applicant is not credible.

Applicant failed to introduce any documentary evidence to support her claims, i.e. that she actually filed for a Skelly hearing. All of her allegations were based upon her perceptions.

Under *Garza v. WCAB*, 3 Cal.3rd 312 (1970), the referee's (WCJ's) findings are entitled to great weight when it comes to judging the credibility of witness.

Based upon the totality of the record, including the credible witness testimony, the subpoenaed records of TobinLucks, the medical reporting of Panel Qualified Medical Evaluator Patrick Link, MD, the lack of credible testimony from the Applicant, and the lack of substantial medical reporting from Dr. Windman and Dr. Curtis, the WCJ found the applicant did not meet her burden of proof that she sustained injury arising out of and during the course of employment on a cumulative trauma basis to her psyche.

Internal Injury:

As discussed above, the WCJ did not find applicant's treating physician's psychiatric reporting to be substantial evidence. The WCJ did not find the applicant's testimony to be credible.

Under *Garza v. WCAB*, 3 Cal.3rd 312 (1970), the referee's (WCJ's) findings are entitled to great weight when it comes to judging the credibility of witness.

Further, she filed her Application for Adjudication in October 2015 and did not procure any evidence of an internal injury up to the day of filing her Declaration of Readiness to Proceed in November of 2018 stating she was ready to proceed on all issues based upon the reporting of Patrick Link, QME and Thomas Curtis PTP.

Applicant has failed to meet her burden of proof that she sustained an internal injury arising out of and during the course of her employment at Lynwood Unified School District.

Conclusion:

The arguments presented by the Applicant does not support that the evidence does not support that the findings of fact. The arguments presented by the Applicant does not support that the Findings are not supported by substantial evidence or that reconsideration should be granted. The WCJ did find that the reporting of the primary treating physicians Drs. Windman and Curtis were not substantial evidence, the report of Dr. Link was substantial evidence and assessed the credibility

of the witness when compared to the totality of the record in making a determination that the applicant failed to meet her burden of proof as to a cumulative trauma injury.

Further, the PQME reporting of Marc Freidman, MD is better reasoned and more complete than the reporting of GB Ha'eri, MD to support a finding of no impairment and no future medical treatment.

**III.
RECOMMENDATION**

It is respectfully recommended that Applicant's Petition for Reconsideration be denied in its entirety.

The WCJ recommends the clerical error in the Findings of Fact for ADJ10146961 (MF) paragraph #3 wherein it states: "Applicant was temporarily disabled from July 10, 2015 through January 23, 2016." be corrected to read: "Applicant was temporarily disabled from July 10, 2015 through August 6, 2015."

Additionally, the WCJ recommends the Date of Injury for ADJ10852071 on page 2 of the Joint Findings and Orders and within the Opinion on Decision be amended to read: "August 25, 2015 through November 8, 2016."

Dated: 11/19/2021

TERRY L. SMITH
Workers' Compensation Administrative Law Judge