

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

**OSWALDO ARAMBULA INGUEZ, *Applicant***

**vs.**

**HIDDEN VALLEY RANCH;  
CYPRESS INSURANCE, *Defendants***

**Adjudication Number: ADJ9953725 (MF), ADJ10584709, ADJ10584391  
San Diego District Office**

**OPINION AND ORDER  
GRANTING PETITION FOR RECONSIDERATION  
AND DECISION AFTER RECONSIDERATION**

Defendant Cypress Insurance Company seeks reconsideration of the December 19, 2023 Findings and Award, wherein the workers' compensation administrative law judge (WCJ) found that applicant, in relevant part, (1) sustained injury to his neck, back, and right shoulder in ADJ9953725, (2) sustained injury to his left wrist, right wrist and lumbar spine in ADJ10584709, and (3) sustained injury to his neck, back, left arm, left shoulder, left wrist, right wrist, right shoulder, left knee and right knee in ADJ10584391.

Defendant Cypress Insurance Company dba Berkshire Hathaway Homestate Companies contends that (1) the WCJ's opinions on causation and determination of the issues do not comply with the requirements of Labor Code,<sup>1</sup> section 5313 and *Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 478 (Appeals Board en banc); (2) the WCJ's determination that the trial testimony of applicant was credible was not supported by the facts; (3) there is no substantial evidence to support the WCJ's findings of injury; (4) the opinions of Panel Qualified Medical Evaluator (PQME) Jeffrey Schiffman, M.D., are more persuasive than those of treating physician Paul C. Murphy, M.D.; (5) the WCJ erred in adding the disabilities pursuant to *Athens Administrators v. Workers' Comp. Appeals Bd. (Kite)* (2013) 78 Cal.Comp.Cases 213, instead of

---

<sup>1</sup> All statutory references are to the Labor Code unless otherwise indicated.

combining the disabilities using the Combined Values Chart (CVC); and (6) the Findings and Award contain several typographical errors.

We received an answer from applicant Oswaldo Arambula Inguez. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be granted to correct typographical errors but otherwise deny as to the contentions.

We have considered the Petition for Reconsideration, the Answer, and the contents of the Report, and we have reviewed the record in this matter. Based on the Report, which we adopt and incorporate, and for the reasons discussed below, we grant reconsideration and amend the Findings and Award solely to correct typographical errors.

“It is well settled, of course, that the Board may choose between conflicting medical opinions, and that the relevant and considered opinion of one physician, although inconsistent with other medical opinions, may constitute substantial medical evidence in support of a decision of the Board.” (*Kyle v. Workers’ Comp. Appeals Bd. (City and County of San Francisco)* (1987) 195 Cal.App.3d 614, 621, citing *Braewood Convalescent Hospital v. Workers’ Comp. Appeals Bd. (Eugene Bolton)* (1983) 34 Cal.3d 159, 169.) Furthermore, “[W]here the findings are supported by ‘ample, credible evidence’ [citation] or ‘substantial evidence’ [citation] they are entitled to great weight [citations] because of the referee’s opportunity to observe the demeanor of the witnesses and weigh their statements in connection with their manner on the stand.” (*Garza v. Workers’ Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 319.)

In her Report, the WCJ states that the trial testimony of applicant combined with the medical evidence of Dr. Murphy was fully credible and not rebutted by the medical reports of Dr. Schiffman. (Report, pp. 6-7.) The WCJ also stated that she found Dr. Murphy’s reports more persuasive than Dr Schiffman’s reports. (Report, p. 7.)

As the trier of fact, the WCJ’s credibility determination is entitled to great weight based upon her opportunity to observe the demeanor of witnesses as they testified and were subject to cross-examination. (*Garza, supra*, 3 Cal.3d 312.) Furthermore, a WCJ’s credibility determination may be disturbed only where there is contrary evidence of considerable substantiality. (*Id.*) There is no such evidence of considerable substantiality here. As such, we find no reason to disturb the credibility findings of the WCJ here.

Accordingly, per the Report, we grant defendant's Petition for Reconsideration and amend the Findings and Award solely to correct typographical errors. We otherwise affirm the Findings and Award.

For the foregoing reasons,

**IT IS ORDERED** that defendant Cypress Insurance Company's Petition for Reconsideration of the December 19, 2023 Findings and Award is **GRANTED**.

**IT IS FURTHER ORDERED**, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the December 19, 2023 Findings and Award is **AFFIRMED EXCEPT** that it is **AMENDED** as follows:

I.

**STIPULATED FACTS-ADJ9953725 (MF)**

1. Applicant OSWALDO ARAMBULA INGUEZ, while employed on September 14, 2013 as an Avocado Picker, Occupational Group Number 491, at Escondido, California, by HIDDEN VALLEY RANCH, sustained injury arising out of and in the course of employment to his left shoulder and claims to have sustained injury to his neck, back, left arm, left wrist and right shoulder.
2. At the time of injury the employer was insured by Cypress Insurance.
3. At the time of injury the employee's earnings were \$473.22 per week warranting indemnity rates of \$315.48 per week for temporary disability and \$230.00 per week for permanent disability.
4. The employer has furnished some medical treatment.
5. The applicant is entitled to future medical treatment.

II.

**FINDINGS OF FACT-ADJ9953725 (MF)**

1. The applicant sustained injury to his neck, back, and right shoulder.
2. There is need for future/further medical treatment for the neck, back, left shoulder (admitted) and right shoulder.

3. Permanent disability is 32% equating to 145 weeks of indemnity at \$230.00 per week, or \$33,350.00, less advances and attorneys' fees of 15%.

**AWARD ADJ9953725-ADJ9953725 (MF)**

AWARD IS HEREBY MADE in favor of OSWALDO ARAMBULA INGUEZ against CYPRESS INSURANCE COMPANY as follows:

1. Permanent Disability at 32% equating to 145 weeks at \$230.00 per week totaling \$33,350.00 less advances and attorneys' fees of 15%.
2. Future/further medical care for the neck, back, left shoulder, and right shoulder.
3. Attorney's fees of 15% of the amount awarded.

I.

**STIPULATED FACTS-ADJ10584709**

6. Applicant OSWALDO ARAMBULA INGUEZ, while employed on January 23, 2014 as an Avocado Picker, Occupational Group Number 491, at Escondido, California, by HIDDEN VALLEY RANCH, sustained injury arising out of and in the course of employment to his left wrist and claims to have sustained injury to his back, left arm, right arm, hand and wrist.
7. At the time of injury the employer was insured by Cypress Insurance.
8. At the time of injury the employee's earnings were \$473.22 per week warranting indemnity rates of \$315.48 per week for temporary disability and \$290.00 per week for permanent disability.
9. The employer has furnished some medical treatment.
10. The applicant is entitled to future medical treatment for the admitted body parts.

II.

**FINDINGS OF FACT-ADJ10584709**

11. The applicant sustained injury to his left wrist, right wrist and lumbar spine. He did not sustain injury to his left arm, right arm, and right hand, except as to the body parts listed above.
12. There is need for future/further medical treatment for the lumbar spine, left wrist, and right wrist only.
13. Permanent disability is 30% equating to 131 weeks of indemnity at \$290.00 per week, or \$37,990.00, less advances and attorneys' fees of 15%.

**AWARD—ADJ10584709**

AWARD IS HEREBY MADE in favor of OSWALDO ARAMBULA INGUEZ against CYPRESS INSURANCE COMPANY as follows:

14. Permanent Disability at 30% equating to 131 weeks of indemnity at \$290.00 per week totaling \$37,990.00 less advances and attorneys' fees of 15%.
15. Future/further medical care for the left and right wrists and lumbar spine.
16. Attorneys' fees of 15% of the amount awarded.

I.

**STIPULATED FACTS-ADJ10584391**

17. Applicant OSWALDO ARAMBULA INGUEZ, while employed during the period of May 10, 2013 through May 9, 2014 as an Avocado Picker, Occupational Group Number 491, at Escondido, California, by HIDDEN VALLEY RANCH, claims to have sustained injury arising out of and in the course of employment to his neck, back, left arm, shoulder, wrist and hand, right shoulder, arm, wrist, and hand, left leg, knee, ankle and foot, and right knee.
18. At the time of injury the employer was insured by Cypress Insurance.

19. At the time of injury the employee's earnings were \$473.22 per week warranting indemnity rates of \$315.48 per week for temporary disability and \$290.00 per week for permanent disability.

20. The employer has furnished no medical treatment.

II.

**FINDINGS OF FACT-ADJ10584391**

21. The applicant sustained injury to his neck, back, left arm, left shoulder, left wrist, right wrist, right shoulder, left knee and right knee. He did not sustain injury to his left leg, left ankle, and left foot.

22. The applicant was not totally temporarily disable from 11/1/2016 through 10/31/2018.

23. There is need for future/further medical treatment for the neck, back, left shoulder left wrist, right shoulder, right wrist, left knee and right knee.

24. Permanent disability is 27% equating to 112.75 weeks of indemnity at \$290.00 per week, or \$32,697.50, less advances and attorneys' fees of 15%.

25. Attorneys' fees of 15% of the amount awarded.

**AWARD- ADJ10584391**

AWARD IS HEREBY MADE in favor of OSWALDO ARAMBULA INGUEZ against CYPRESS INSURANCE COMPANY as follows:

- 26. Permanent Disability at 27% equating to 112.75 weeks of indemnity at \$290.00 per week, or \$32,697.50, less advances and attorneys' fees of 15%.
- 27. Future/further medical care for the neck, back, right shoulder, left shoulder, right wrist, left wrist, right wrist, left knee and right knee.
- 28. Attorneys' fees of 15% of the permanent disability amount awarded.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

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



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

**March 12, 2024**

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

**OSWALDO ARAMBULA INGUEZ  
ROBERT A. MCLAUGHLIN  
GOLDMAN, MAGDALIN & KRIKES, LLP**

**LSM/oo**

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





**REPORT AND RECOMMENDATION ON PETITION FOR RECONSIDERATION**

**I**

**INTRODUCTION**

1. Applicant's Occupation: Avocado Picker
2. Applicant's Age: DOB: 9/26/1971
3. Dates of Injury: 9/14/2013 (ADJ99953725 MF)  
1/23/2024 (ADJ10584709)  
5/10/13-5/9/14 (ADJ10584391)
4. Parts of Body Alleged: Neck, Back, Left Arm Shoulder,  
Wrist and hand; Right shoulder, arm, wrist  
and hand, left leg, knee ankle and foot and  
right knee
5. Identity of Petitioner: **HIDDEN VALLEY FARMS**  
**CYPRESS INSURANCE COMPANY**
6. Timeliness: Petition is timely.
7. Verification: The Petition was verified.
8. Petitioner's Contention(s):
  - A. WCJ failed to adequately explain the opinion supporting the findings and decisions and did not comply with the requirement of *Hamilton*
  - B. WCJ finding that applicant was fully credible was incorrect
  - C. The WCJ's findings of the body parts injury pursuant to each date of injury were incorrect
  - D. The opinion of the QME Dr. Schiffman are more persuasive than those of Dr. Muphy
  - E. The WCJ improperly applied the Kite analysis to the permanent disability ratings of this case
  - F. There are factual corrections that need to be made with regard to the Findings and Award

## II

### STATEMENT OF FACTS

The applicant worked as an Avocado Picker for HIDDEN VALLEY FARMS in 2009. He last worked in May of 2015. During the harvest season, he picks avocados. In the off season he does maintenance work on the ranch. The physical requirements of avocado picking is to use a ladder to reach the avocados, a “bucket” to put the avocados in, a pole or “puller” to bring the avocados to him and a scissor to cut the avocados off the branches. The bags or buckets weigh up to 100 pounds when filled. He filled approximately 25 to 30 bags per day and places them in a box that holds the avocados. The box weighs 1000 pounds. They fill two to three container boxes per week. (MOH 9/26/2023 12:7-20).

The maintenance work involved trimming small avocado trees, pulling trunks of avocado trees to the wood chipper. He used his right hand for this (MOH 9/26/2023 13:5-10). He also used a machete in his right hand to break down branches and then used his right hand to pull the branches (MOH 13:24-14:3)

On September 14, 2013 (ADJ99953725 (MF)) he was working as a picker. The ladder he was standing on turned to one side while he was standing on it and the weight of the bag with the avocados pulled the applicant over. He fell to the ground hitting his left shoulder and the back of his head. The claim was accepted as to the left shoulder. At trial the applicant also claimed injury neck, back, left arm, left wrist and right shoulder, both as a result of the fall and as compensable consequences of the injury to his left shoulder.

On January 23, 2014, (ADJ 10584709) the applicant was working pulling the trunks of the avocado tree that were cut down to a wood chipper. While he was doing that one of the logs rolled down the hill, hit the back of the applicant’s legs and knocked him down. The log hit both feet. The applicant fell backward. (MOH 9/26/23 18:1-7) When he fell, he hurt his left wrist. This body part was admitted and benefits were paid. He claims to have injury to his back, left arm, right arm and wrist as a result of this incident.

Finally, the applicant claims to have suffered a cumulative trauma from May 10, 2013 to May 9, 2014 (ADJ10584391). This period would include the time periods he was working during modified work. The cumulative trauma was found by the PTP, Dr. Paul Murphy. This claim and all body parts claimed were denied.

The parties could not resolve the matter informally so the case came trial on September 26, 2023. The three cases were consolidated and tried together with ADJ99953725 (DOI September 14, 2013) as the main file. There were three joint exhibits (Jt. Ex. 1, 2, and 3) all reports of Dr. Jeffrey Schiffman, the PQME. The applicant had 17 exhibits twelve of which were the reports of Dr. Paul Murphy and 5 the reports of Dr. Gregory Adamson. The defendant had 35 exhibits. The issues concerning all three cases were:

Dr. Schiffman's reports were not substantial evidence and Dr. Murphy's reports were not substantial medical evidence. The issues for the other cases were injury AOE/COE, body parts, temporary disability from 11/1/2016 to 10/31/2013, permanent disability and need for future medical treatment for ADJ10584391 (CT).

With regard to ADJ9943725 (MF-DOE 9/14/2013) the issues were body parts (except as to the admitted left shoulder); temporary disability from 12/1/2016 to 4/29/2014, less amounts previously paid, P&S date, permanent disability and apportionment.

With regard to ADJ10584709 (DOI 1/23/2014) the issues were parts of body injury other than the left wrist, permanent disability and apportionment, and permanent and stationary date. The case was tried with the applicant speaking Spanish and a Spanish language interpreter over life-size and the WCJ taking notes and then dictating a Minutes of Hearing. The defendant never requested an actual trial transcript.

The Findings and Award issued on December 19, 2023 and was serve the same date. The defendant then filed a timely, verified Petition for Reconsideration.

### III

#### DISCUSSION

#### CONTENTION A: WCJ FAILED TO ADEQUATELY EXPLAIN THE OPINION SUPPORTING THE FINDINGS AND DECISIONS AND DID NOT COMPLY WITH THE REQUIREMENT OF HAMILTON

Defendant is incorrect in this assertion. The Findings and Award under their respective Opinions on Decision cite specifically to the parts of the record which supports the findings. It is not required that the WCJ quote by meticulously typing out the particular portions of the medical record and deposition to which the citations relate.

Defendants further challenge the basis for the findings because the reports of Dr. Schiffman were not specifically quoted and cross-referenced to the applicant's testimony and Dr. Murphy's

report. The report of Dr. James Esch the surgeon for the shoulder is last dated 6/27/2014 (Def. Ex. B). The only other report is dated 10/30/2013 (Def. Ex. A). The report of Carol Taylor PA (Def. Ex. C, D, E, F, G, H, I, J, K, L and M) were all done by 6/16/2014 and contained repetitions of previous findings.

Similarly the reports of Dr. Michael Kimball (Def. Ex. N and O) are dated 1/15/2014 and 4/27/2014) which are stale. The reports of Nicolette Davis PA suffer the same defects as the “reports” of Carol Taylor referenced above. The reports of Dr. Daugherty Def. Ex. S, T and U are dated 3/25/2014, 4/29/2014 and 6/19/2014, 10 years before the trial in this matter, Similarly the reports of Dr. Drew Peterson (Def. Ex. V, W, X Y and Z, AA, BB, CC) are all dated before 4/1/2015, 8 years before the trial and before the applicant stopped working.

Dr. Schiffman’s report of December 13, 2023 (Jt. Ex. 1) was a rebuttal report to Dr. Murphy. He states that he does not know what the synergistic effect are for the wrists and shoulders and then states that there was no evidence of injury to any body part other than the left shoulder and left wrist. In Jt. Ex. 2, the report of Dr. Schiffman dated 12/13/2022 Dr. Schiffman reviewed a letter and MRI of the left shoulder. He did not examine the applicant. Dr. Schiffman did not change his opinions in his prior report. He did state that the applicant had a period of temporary disability on his left wrist from 6/27/2016 (date of surgery on the left wrist) to 8/15/2017 after the completed physical therapy on the left wrist.

Jt. Ex. 3 is a report from Dr. Schiffman dated 12/14/2015, nine years before trial. Dr. Schiffman opined in this reports that the applicant only sustained injury to his left shoulder and left wrist. This opinion is contrary to the testimony of the applicant at trial and the well-reasoned report of Dr. Paul Murphy who has been responsible for treating the injured applicant since 2017 (i.e. for the past 6 years).

Therefore the WCJ relied on the testimony of the applicant and the reports of the primary treating physician responsible for the applicant’s care to base the findings and awards on the three cases consolidated and tried 9/26/2023.

This contention should be denied.

**CONTENTION B: WCJ FINDING THAT APPLICANT WAS FULLY CREDIBLE WAS INCORRECT**

First, the applicant is monolingual Spanish speaking and required an interpreter. The Minutes of Hearing are only a reflection of the WCJ’s notes and summary of evidence in the

matter. The best evidence of the actual testimony by the applicant is a trial transcript which was never requested by the defendant. Further the applicant's statement to the doctors are to be viewed knowing that the complaints are being filtered by a history done with an interpreter about work is not in the common experience. At trial it was very difficult to understand what the applicant was describing, however, it was summarized as best possible under the circumstances. The applicant's testimony as summarized is not a basis for challenge against statements made in other circumstances. Furthermore, the defendant put forth no witnesses to testify that either the description of the accident or the work being performed was not accurate. The WCJ decided that the applicant's testimony taken with the medical evidence was fully credible and not rebutted by the medical reports of Dr. Schiffman. This contention should be denied

**CONTENTION C: THE WCJ'S FINDINGS OF THE BODY PARTS INJURY PURSUANT TO EACH DATE OF INJURY WERE INCORRECT**

The defendant bases this argument on the reports of Dr. Schiffman. As described above, the reports of Dr. Schiffman were found to be not substantial evidence on the issue of the body parts injured. The WCJ based her decisions on the injured body parts on the testimony of the applicant and the reports of Dr. Murphy.

This contention should be denied.

**CONTENTION D: THE OPINION OF THE QME DR. SCHIFFMAN ARE MORE PERSUASIVE THAN THOSE OF DR. MURPHY**  
**CONTENTION**

As discussed under Contentions A and C, above, this contention is not correct. The WCJ was not persuaded by these reports and relied on Dr. Murphy. Had Dr. Schiffman's reports been more persuasive, the result would have been different.

This contention should be denied.

**E: THE WCJ IMPROPERLY APPLIED THE KITE ANALYSIS TO THE PERMANENT DISABILITY RATINGS OF THIS CASE**

**KITE ANALYSIS**

Defendant argues that the use of the Combined Values Chart for the combination of the disabilities is the most accurate description of the impact of the applicant's impairment to his left and right wrists and left and right shoulders. The WCJ disagrees.

The AMA Guides, 5th ed. on page 9, Section 1.4 describes the philosophy and the use of the Combined Values Chart as follows:

The Chart was designed to come up with a formula whereby different impairments could be combined without exceeding 100%. Therefore the formula is used to decrease the effect of each succeeding impairment. According to the Guides, supra at page 10, "A scientific formula has not been established to indicate the best way to combine multiple impairments. Given the diversity of impairments and great variability inherent in combining multiple impairments, it is difficult to establish a formula that accounts for all situations. A combination of some impairments could decrease overall functioning more than suggested just adding the impairment ratings for separate impairment (eg. blindness and the inability to use both hands). ...Other options are to combine (add, subtract or multiply) multiple impairment based upon the extent to which they affect an individual's ability to perform activities of daily living."

The formula used to combine disability in the Combined Values Table (Page 604 of the AMA Guides, 5th is [major impairment + ((100-major impairment) x minor impairment)). For example a 90% impairment combined with a 25% impairment would result in:  $90\% + [(100 - 90 = 10)(25) 2.5]$  92.5%. Adding the two would result in 115% or 100% after application of Labor Code §4664. The effect of the Combined Values Table (CVT) demonstrated above in the AMA Guide Compliant ratings shows the absurdity of the Table with injured workers with more than one serious impairment, such as the applicant.

The defendants cite *Hodson v. Vacasa LLC* 2021 Cal. Wrk.Comp. P.D. Lexus 170 for the definition of "synergistic effect" as "Synergy is the interaction or cooperation of two or more systems that produce a combined effect greater than the sum of their separate effect."

Dr. Paul Murphy report dated April 17, 2023 (App. Ex. 1) explains why he applied the *Kite* case with respect to the left and right wrists and left right shoulders as follows:

"Regarding the synergistic effect between the right and left upper extremities, the us of the KIKite was was noted. The original Kite case addressed the hip, both right and left, and similarly the upper extremities can be analogized for synergistic effect." ...

"Mr. Arambula's activities of daily living are clearly affected, as one limb is unable to perform them at a high-functioning level, thus resulting in overuse and

further impairment on the opposite limb. An Example of this would be Mr. Arambula trying to perform vacuuming, sweeping or mopping requirement in his home and be unable to use his left; therefore, he would overuse the right, leading to injurious exposure there; and thus being unable to use the left, his right becomes worse. He would be unable to use the left upper extremity, due to the significant initial injury and impairment, and thus would eventually have to cease the activity, not just because of his left but because of his right. In the Kite ruling, similarly, the patient's right hip was affected, thus creating impairment on the left which was additive because each were dependent on the other for activities of daily living."

Therefore Dr. Murphy's use of the Kite analysis is amply supported by substantial medical evidence. The impairments to the left and right wrists are to be added and the impairments to the left and right shoulders should be added and not combined.

This contention should be denied.

**CONTENTION F: THERE ARE FACTUAL CORRECTIONS THAT NEED TO BE MADE WITH REGARD TO THE FINDINGS AND AWARD**

Defendant assert that there are factual corrections that should be made as follows:

On Page 2 of the F&A, in the heading "Stipulated Facts" the ADJ number is listed as 99953725, it should be "9953725. This is correct.

On page 4 of the F&A under Opinion on Decision in ADJ9953725 it indicates that the applicant sustained an injury to neck, back, left shoulder and right shoulder as a result of the incident on 1/23/2014. The date of injury should be corrected to September 14, 2013. This is correct.

On page 4 of the Opinion on Decision on ADJ9953725 under "Permanent Disability" the Opinion references that Dr. Murphy's use of the Kite formula was well supported as to the left and right wrist. There is no finding of injury for the right and left wrist as a result of the injury on September 14, 2013. This is correct. However the language is not relevant as the "rating" of the disability resulting from the incident on 9/14/2013 does not include the right or left wrist. Therefore, the language about the left and right wrist can be stricken.

On page 10 of the F&A (ADJ10584391-CT date of injury) under the statement of facts it states that the "applicant did sustain injury to his neck, back, left arm, left shoulder, left wrist, right wrist, right shoulder, left knee and right knee." It then states that the applicant "did not" sustain injury to his left arm, left hand, left wrist, right arm, right hand, left leg, left ankle and foot". The

finding should be corrected to state: “the applicant did not sustain injury to his left leg, left ankle and foot”.

The “rating” listed on page 13 (ADJ10584391 (CT) is listed as CVC 7c7c6c5c2c2c2 it should be 7c7c6c5c5c5 equating to 31% permanent disability entitling the applicant to 138 weeks of indemnity at \$290.00 per week or \$40,020.00. This correction should also be made on the F&A on ADJ10584391 amended Finding of Fact No. 24 to state Permanent disability is 31% permanent disability entitling the applicant to 138 weeks of indemnity at \$290.00 per week or \$40,020.00 and also on the F&A on ADJ10584391 under the Award, No. 26 which should also state Permanent disability is 31% permanent disability entitling the applicant to 138 weeks of indemnity at \$290.00 per week or \$40,020.00.

#### **IV**

#### **RECOMMENDATION**

It is recommended that the corrections listed in Contention F, above, be made and the Findings and Award in each individual case be amended to reflect the corrections.

It is also recommended that the Petition for Reconsideration be denied as to the other contentions.

**LINDA F. ATCHERLEY**  
Workers’ Compensation Judge