

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

MIRNA QUINTANILLA, *Applicant*

vs.

**JOHNNY WAS, LLC; MASSACHUSETTS BAY INSURANCE COMPANY, administered
by THE HANOVER INSURANCE GROUP; TRAVELERS, *Defendants***

**Adjudication Number: ADJ12320337
Marina del Rey District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

The Appeals Board granted reconsideration to study the factual and legal issues. This is our Decision After Reconsideration.

In the Findings and Award of October 11, 2021, the Workers' Compensation Administrative Law Judge ("WCJ") found that applicant, while employed by Johnny Was, LLC during the period October 1, 2012 through May 28, 2019, sustained a cumulative trauma injury arising out of and in the course of employment ("industrial injury") to her cervical spine, thoracic spine, lumbar spine, knees, shoulders, elbows and wrists, and that applicant, while employed by Johnny Was, LLC during the period May 28, 2018 through May 29, 2019, sustained an industrial cumulative trauma injury to her psyche.

Defendant, Travelers Property Casualty Company of America ("petitioner"), filed a timely Petition for Reconsideration of the WCJ's decision. Petitioner contends that the WCJ erred in finding that applicant sustained a single cumulative trauma injury during the period October 1, 2012 through May 28, 2019, and that the evidence justifies a finding that applicant sustained a cumulative trauma ending January 30, 2017, when she was off work for several months. Petitioner further contends that applicant's alleged psyche injury is not "separate and distinct" but arises out of her orthopedic cumulative trauma injury, and that the psyche injury should have the same date of injury as the orthopedic injury. Finally, petitioner contends that a comprehensive medical

evaluation is needed to determine whether there were multiple cumulative trauma injuries and the date of any such injuries.

Applicant, and defendant Massachusetts Bay Insurance Company, which is administered by Hanover Insurance Group (“Hanover”), both filed answers. The answers have been considered.

The WCJ submitted a Report and Recommendation (“Report”). We adopt and incorporate part of the WCJ’s Report - the statement of facts attached to this opinion. We do not adopt or incorporate the remainder of the Report.

Based on our review of the record and applicable law, we conclude the WCJ correctly found that applicant sustained an industrial cumulative trauma injury to her cervical spine, thoracic spine, lumbar spine, knees, shoulders, elbows and wrists during the period October 1, 2012 through May 28, 2019. Though the evidence also justifies the WCJ’s finding that applicant sustained an industrial cumulative trauma injury to her psyche, we conclude that the date of the psyche injury is the same as the orthopedic injury, not May 28, 2018 through May 29, 2019 as found by the WCJ. As our Decision After Reconsideration, we will affirm the WCJ’s decision in part and amend it in part, in accordance with the conclusions.

In reviewing the WCJ’s findings of injury, we note that applicant has the burden of establishing “the reasonable probability of industrial causation.” (*McAllister v. Workmen’s Comp. App. Bd.* (1968) 69 Cal.2d 408, 413 [33 Cal.Comp.Cases 660].)

In this case, we conclude that applicant’s trial testimony, considered in conjunction with the medical reporting of Dr. Daher and Dr. Haronian, is sufficient to satisfy her burden of proof that she sustained industrial injury to her cervical spine, thoracic spine, lumbar spine, knees, shoulders, elbows and wrists during the period October 1, 2012 through May 28, 2019.

At trial on July 13, 2021, applicant testified that her job duties from 2012 through 2019 included sorting, ironing, and folding clothes, and pulling 40-pound bags. (Summary of Evidence, 7/13/21, p. 4.) As noted in the WCJ’s Report, applicant further testified that she was off work because of problems with her right elbow for three months during 2017, she received treatment from Dr. Lee, and she returned to work with restrictions of no pulling and or raising her right arm. From 2017 to 2019, applicant sorted and folded clothes, and she used a sewing machine with a foot pedal, doing repairs on clothing that was defective. During the same period, applicant developed pain in other parts of her body, including her right shoulder, back and neck; she developed pain in her left shoulder, left wrist, left elbow and left arm in 2018 and 2019. Applicant

had right elbow surgery on May 30, 2019 and went off work; she returned to work on May 24, 2021.¹ (Summary of Evidence, 7/13/21, pp. 5-7.)

In his report dated November 20, 2019, Dr. Haronian provided the following history and discussion of applicant's medical condition at the time:

The patient is a 46-year-old female who sustained industrial injury as a result of cumulative trauma from October 1, 2012, to May 28, 2019, working as a Warehouse Worker for Johnny Was. The patient states that she developed pain to the right shoulder, elbow, neck, and lower back due to the work duties listed above. She continued working through pain. Eventually [she] sought care in the emergency department where she received an injection in February 2017. She reported she was referred to the industrial clinic, where she received physical therapy, medications, MRI studies, neurodiagnostics, [and a] cortisone injection for the elbow. In December 2018, she was transferred to another physician who conducted another cortisone injection and then in May 2019, surgical intervention for the right elbow. She underwent postoperative physical therapy and returned to regular duty. She sought legal counsel [and] was referred to the current primary treating physician who conducted physical therapy, acupuncture treatments, updated MRI studies, neurodiagnostics, and [who] has referred the patient today for orthopedic evaluation.

The patient [presents] complaining of neck pain which radiates into the right upper extremity with pain, paresthesia and numbness. She is complaining of right shoulder pain with decreased range of motion and strength. She is complaining of right elbow tenderness despite the attempted surgical intervention.

Physical examination today shows spasm, tenderness, and guarding in the paravertebral musculature of the cervical spine. Decreased sensation was noted in the right C6 and C7 dermatomes. Strength of the deltoid, biceps, and triceps are graded 4/5 today. The right shoulder had impingement and Hawkins signs with range of motion in flexion and abduction less than 100 degrees. Right elbow had an incision at the lateral epicondyle. There was tenderness both at the lateral and to lesser extent at the medial epicondyle today.

All conditions, risks, benefits, and alternatives were discussed with the patient, and the patient verbalized understanding. We request that all prior medical records and diagnostic studies be forwarded to our attention, so that we may avoid duplication in testing and treatment.

¹ We give the WCJ's determination of applicant's credibility great weight because the WCJ had the opportunity to observe her demeanor during trial. (*Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 318-319 [35 Cal.Comp.Cases 500].) Further, we find no evidence of considerable substantiality that would warrant rejecting the WCJ's credibility determination. (*Id.*)

Unfortunately, the neck and right shoulder have been denied by the carrier, which will preclude invasive intervention. However, the patient will be provided anti-inflammatory and anti-gastritis medications as well as limited supply of ibuprofen gel for local relief.

Work restrictions and disability status will be deferred to the primary [treating physician].

(Exhibit 2, p. 8.)

About six months later, in a report dated May 1, 2020, Dr. Daher confirmed Dr. Haronian's opinion about applicant's injury:

It is the opinion of this examiner, based on evaluation of facts, physical exams, observation, review of medical records and medical probability that the patient sustained an industrial injury arising out of her employment (AOE)...while working for Johnny Was LLC, employed as Warehouse Worker, since 2012. Physical examination findings from both her physical examination and diagnostic tests correlate with the type of injury she apparently suffered [by way of cumulative trauma from October 1, 2012 through May 28, 2019].

(Exhibit 11, p. 12.)

Petitioner essentially concedes that the WCJ correctly found applicant sustained cumulative trauma to various body parts, stating in its petition for reconsideration at 6:2-3: "The medical record corroborates that applicant had pain to various body parts dating back to 2015 through 2017." However, petitioner alleges that the evidence justifies a finding of a first cumulative trauma injury that ended January 30, 2017, when applicant had severe pain in her right elbow, treated with Dr. Lee, and was off work for three months. (See Summary of Evidence, 7/13/21, applicant's testimony at p. 4.)

The issue of how many cumulative injuries an employee sustained is a question of fact for the WCAB. (See *Aetna Casualty & Surety Co. v. Workmen's Comp. Appeals Bd.* (1973) 35 Cal.App.3d 329, 341 [38 Cal.Comp.Cases 720] ("*Coltharp*") [Applicant sustained two separate cumulative injuries, one before and one after the initial period of disability and need for treatment; to conclude otherwise would violate the anti-merger provisions of sections 3208.2 and 5303]; *Western Growers Ins. Co. v. Workers' Comp. Appeals Bd.* (1993) 16 Cal.App.4th 227, 234-235 [58 Cal.Comp.Cases 323] ("*Austin*") [Applicant had one continuous compensable injury because,

unlike *Coltharp*, his two periods of temporary disability were linked by the continued need for medical treatment and the two periods were not “distinct.”].)

According to Labor Code section 3208.1, a cumulative industrial injury occurs whenever the repetitive physically traumatic (or repetitive mentally traumatic) activities of the employee’s occupation cause any disability and/or a need for medical treatment. Section 3208.1 further provides that the date of a cumulative injury shall be determined under section 5412.

Under section 5412, the date of injury for a cumulative trauma is that date when the employee both suffer disability and knew, or reasonably should have known, that the disability was industrially caused. There is no “disability” within the meaning of section 5412 until there has been either compensable temporary disability or permanent disability. (*State Comp. Ins. Fund v. Workers’ Comp. Appeals Bd.* (2004) 119 Cal.App.4th 998, 1003 [69 Cal.Comp.Cases 579] (“*Rodarte*”); *Chavira v. Workers’ Comp. Appeals Bd.* (1991) 235 Cal.App.3d 463, 474 [56 Cal.Comp.Cases 631].) However, “an applicant will not be charged with knowledge that his disability is job related without medical advice to that effect unless the nature of the disability and applicant’s training, intelligence and qualifications are such that applicant should have recognized the relationship between the known adverse factors involved in his employment and his disability.” (*County of Riverside v. Workers’ Comp. Appeals Bd. (Sylves)* (2017) 10 Cal.App.5th 119, 124-125 [82 Cal.Comp.Cases 301] (“*Sylves*”), quoting *City of Fresno v. Workers’ Comp. Appeals Bd.* (1985) 163 Cal.App.3d 467, 473.)

In the instant case, the fact that applicant’s severe right arm pain caused her to go off work for three months following January 30, 2017 satisfies the compensable disability requirement of section 5412. However, we are not persuaded that the other requirement of section 5412 is met, i.e., that applicant is properly charged with knowledge that her disability was job-related at the time. This is because applicant’s trial testimony was inconclusive on this point and thus insufficient to satisfy petitioner’s burden of proof.²

On direct examination, applicant testified that “she understands the term ‘cumulative trauma,’ ” and that “her chiropractor in Glendale explained to her the problems she had were due to cumulative trauma.” This testimony was followed directly by further testimony that applicant was “not sure of the first time she saw Dr. Daher. It was in *June or July of 2019.*” (Summary of

² Section 5412 defines the date of cumulative trauma injury for purposes of applying the Statute of Limitations under section 5405. The Statute of Limitations is an affirmative defense upon which petitioner bears the burden of proof. (Lab. Code, § 5409.)

Evidence, 7/13/21, p. 5:1-3, italics added.) On cross-examination by petitioner's attorney, applicant testified that "she had treatment with Dr. Lee *in 2017*," that "initially she told him about her elbow, hand, shoulder, and the back of her neck," that "she told Dr. Lee that she hurt her left elbow [sic], and [that] she specified it was her right hand and right arm and right shoulder [sic] that she told the doctor about." Applicant also testified upon cross-examination that "she told the doctor the cause of pain was doing the same type of work every day. The doctor agreed this was the cause." (Summary of Evidence, 7/13/21, pp. 5:19-6:2.)

Concerning the issue of applicant gaining knowledge that her disability was work-related, it appears to have been either in 2017 when she saw Dr. Lee, or in June or July of 2019 when she saw Dr. Daher. However, petitioner failed to definitively resolve this conflict in applicant's testimony. Moreover, applicant's testimony that she understood the term "cumulative trauma" seems like a product of coaching, because the rest of her testimony shows no sophistication in matters of workers' compensation. The same is true of applicant's just-so testimony that "she told the doctor the cause of pain was doing the same type of work every day," and that "the doctor agreed this was the cause." We are not persuaded that petitioner met its burden of proving that applicant sustained two cumulative trauma injuries, the first allegedly ending January 30, 2017.³

In reference to the WCJ's finding that applicant sustained an industrial cumulative trauma injury to her psyche during the period May 28, 2018 through May 29, 2019, we find merit in petitioner's allegation that applicant's psyche injury should have the same date of injury as her orthopedic injury. This conclusion is justified by the medical opinion of Dr. Nathan, the Panel Qualified Medical Evaluator ("PQME") in psychiatry, who opined that "100% of the applicant's permanent psychiatric disability has occurred as a result of her orthopedic disability."⁴ (Exhibit X, Nathan report dated July 7, 2020, p. 49.) In other words, applicant's psyche injury is a

³ Petitioner attempts to shift liability to Hanover by asserting that applicant sustained two orthopedic cumulative traumas, the first allegedly ending January 30, 2017 during Hanover's coverage. In so doing, petitioner alleges that Hanover failed to investigate this supposedly separate cumulative trauma and improperly restricted applicant's treatment to her right elbow amidst complaints of pain to other body parts. We are not persuaded by petitioner's attempt to shift liability to Hanover because "[t]he apportionment of liability cannot diminish, restrict, or in any way alter the employee's recovery." (*Zenith Insurance Co. v. Workers' Comp. Appeals Bd. (Thweatt)* (1981) 124 Cal.App.3d 176, 188 Fn. 10 [46 Cal.Comp.Cases 1126], citing Labor Code section 5500.5 and *Flesher v. Workers' Comp. Appeals Bd.* (1979) 23 Cal.3d 322, 328.)

⁴ Although causation of injury and causation of permanent disability are not necessarily the same, the two elements of causation are indistinguishable here, according to Dr. Nathan. There is no evidence to the contrary. (Cf. *Reyes v. Hart Plastering* (2005) 70 Cal.Comp.Cases 223 [Significant Panel Decision], citing *Employers Mutual Liability Ins. Co. of Wisconsin v. Industrial Acc. Com. (Gideon)* (1953) 41 Cal.2d 676 (18 Cal.Comp.Cases 286) [employee's head injury resulting from fall caused by non-industrial seizure found compensable].)

compensable consequence of her orthopedic injury. We will amend the WCJ's decision to reflect that the date of the psychiatric cumulative trauma is the same as the orthopedic cumulative trauma.

Finally, we address petitioner's contention that "a comprehensive medical report is essential in order to provide a basis upon which to determine whether the medical evidence supports one or two cumulative trauma injuries, and...the beginning and end dates of the cumulative trauma or cumulative trauma injuries." (Petition for Reconsideration, 7:15-18.) In support of this contention, petitioner relies upon the following chronology found in its petition for reconsideration at 2:25-3:11:

Finally, procedurally, there was a 1/15/2021 signed Joint Stipulation for issuance of an orthopedic panel (a LC Section 4060 psyche panel had already previously issued). At the MSC of 1/19/21, defendant objected to the matter being set for trial as the orthopedic panel QME exam had not yet gone forward. Judge Jackson, the MSC judge, set the matter for trial over defendant's objection. A panel in orthopedic surgery issued from the Medical Unit on 2/10/2021. An exam was scheduled with Stefan Kasimian, M.D. after the respective strikes from both parties were issued. However, the exam ultimately had to be cancelled due to Judge Walker at the 4/20/2021 trial denoting that such report would not be admissible as evidence. Defendant Travelers maintains that it was prejudiced by the orthopedic panel QME exam with Dr. Kasimian not going forward. Determinations regarding AOE/COE and the LC Section 5412 date of injury...were handed down without the benefit of a comprehensive report addressing causation. [...]

We reject petitioner's contention that at this stage of the case, there should be a "do-over" to obtain a new medical opinion from an orthopedic PQME. Beside the fact that other substantial evidence resolves the issue of industrial injury as previously discussed, the record does not support petitioner's chronology. Based on our review of the record in EAMS, it appears there is no "Joint Stipulation for issuance of an orthopedic panel;" it likewise appears there is no evidence that "a panel in orthopedic surgery issued from the Medical Unit on 2/10/2021" or that "an exam was scheduled with Stefan Kasimian, M.D. after the respective strikes from both parties were issued." Similarly, the trial minutes of April 20, 2021 do not include any ruling by the WCJ that "such report would not be admissible as evidence."

In rejecting the allegation that a new medical report from an orthopedic PQME should be obtained to determine the number and dates of cumulative trauma, we also note that petitioner violated WCAB Rule 10945(b) by relying upon vague and unsubstantiated references to the

record. Rule 10945(b) provides in relevant part: “[e]very petition for reconsideration ... shall support its evidentiary statements by specific references to the record.” (Cal. Code Regs., tit. 8, § 10945(b), emphasis added.) Rule 10945(b) goes on to specify how references to the record must be made. (See also, *Flores v. Cal. Dept. of Corrections and Rehab.* (2014) 224 Cal.App.4th 199, 204 (“an appellant must do more than assert error and leave it to the appellate court to search the record ... to test his claim”); *City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 287 (“[r]ather than scour the record unguided, we may decide that the appellant has waived a point urged on appeal when it is not supported by accurate citations to the record”); *Salas v. Cal. Dept. of Transp.* (2011) 198 Cal.App.4th 1058, 1074 (“[w]e are not required to search the record to ascertain whether it contains support for [plaintiffs’] contentions”); *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246 (“[t]he appellate court is not required to search the record on its own seeking error” and “[i]f a party fails to support an argument with the necessary citations to the record, ... the argument [will be] deemed to have been waived”); *Nielsen v. Workers’ Comp. Appeals Bd.* (1985) 164 Cal.App.3d 918, 923 [50 Cal.Comp.Cases 104] (“Instead of a fair and sincere effort to show that the trial court was wrong, appellants brief ... is an attempt to place upon the court the burden of discovering without assistance from appellant any weakness An appellant is not permitted to evade or shift his responsibility in this manner.”))

However, the parties should be aware that nothing in this opinion precludes them from attempting agreement on a medical evaluator (“AME”) in orthopedics or other appropriate medical specialty, to the end of more readily resolving the outstanding substantive issues. Absent such agreement, the WCJ may consider appointing a “regular physician” to assist in final resolution of this case. (*McDuffie v. Los Angeles County Metropolitan Transit Authority* (2002) 67 Cal.Comp.Cases 138 [Appeals Board en banc].)

For the foregoing reasons,

IT IS ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Findings and Award of October 11, 2021 is **AFFIRMED**, except that Findings 1, 4 and 5 are **RESCINDED**, and the following new Findings 1, 4 and 5 are **SUBSTITUTED** in their place:

FINDINGS OF FACT

1. As a compensable consequence of the orthopedic injury set forth in Finding 2, applicant Mirna Quintanilla sustained injury to her psyche arising out of and in the course of employment while working for Johnny Was, LLC.
4. Pursuant to Labor Code section 5412, the end date of the orthopedic and psychiatric cumulative traumas described in Findings 1 and 2 is May 28, 2019.
5. The period of the cumulative traumas found in Findings 1 and 2 is from October 1, 2012 through May 28, 2019, when applicant was employed by Johnny Was, LLC. The liability period under Labor Code section 5500.5(a) is May 28, 2018 through May 28, 2019.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ on the outstanding issues, consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 18, 2024

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

**HINDEN & BRESLAVSKY
MIRNA QUINTANILLA
WOOLFORD & ASSOCIATES
THE HANOVER LAW OFFICE**

JTL/ara

*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

FACTS

Applicant, Mirna Quintanilla, filed a claim alleging that while employed during the period of October 1, 2012 through May 28, 2019, as a warehouse worker/sewing machine operator, at Los Angeles, California, by Johnny Was, LLC, she sustained injury to her cervical spine, thoracic spine, lumbar spine, hips, groin, knees, shoulders, arms, elbows, wrists, hands, fingers, high blood pressure, headaches, sleep and psyche.

This matter was tried on the issues of industrial injury, earnings, temporary disability, further medical care, self-procured medical treatment, lien of EDD, attorney fees, and Labor Code section 5412 – date of injury of the cumulative trauma claim.

Applicant placed into evidence, without objection, the medical reports and requests for authorization by Dr. Edwin Haronian.

Defendant Travelers and Applicant jointly placed into evidence, without objection, psychiatric medical report from Panel Qualified Medical Evaluator Myron Nathan.

Defendant Travelers placed into evidence, without objection, its denial letter and designated records from the Hanover Insurance Group.

Defendant the Hanover Insurance Group² placed into evidence, without objection, medical records from Lee Orthopedic Institute, temporary disability notices, wage documentation and designated records from the Hanover Insurance Group.

Applicant was the sole witness that testified as noted in the Minutes of Hearing and Summary of Evidence. She testified that she started working full time for Johnny Was in 2012 and currently worked for the same employer. She was off work from 2019 through 2021 while she was receiving medical treatment. She described her job duties and stated that she did the same job duties during the period of 2012 through 2019.

She testified she was off work because of problems with her right elbow for 3 months during 2017. She received treatment from Dr. Lee. She returned to work with restrictions. The restrictions were no pulling and not to raise arm. From 2017 to 2019 she sorted clothes, fold clothes and used a sewing machine with a foot pedal. She did repairs on clothing that was defective.

Applicant testified that during the period of 2017 through 2019, she developed pain in her body, specifically in her right shoulder and right arm, but also in her back and neck. She stated that the left shoulder left wrist and arm pain developed in 2018 and 2019. She also developed left elbow pain around 2018.

² Hereafter referred to as Defendant Hanover.

She had right elbow surgery on May 30, 2019 and was off work and returned to work on May 24, 2021. During the time period she received state disability benefits. From 2017 through 2019, she worked full time. While she did not recall her rate of pay during this time frame, she is currently receiving the state minimum of \$15 per hour times as work full time – 40 hours per week.

She understands the term “cumulative trauma” because her chiropractor in Glendale explained to her that her problems were due to cumulative trauma.

She is not sure of the first time she saw Dr. Daher. It was in June or July of 2019. She remembered seeing Dr. Nathan and was honest and truthful.

She is experiencing pain today in her joints and all over her body. She cannot raise her arm. Her neck, back, and the back of her head have intense pain. She does not feel like she is the same person as she was before her job.

A right shoulder procedure was recommended and she is willing to have it.

On cross-examination by Defendant Travelers, she stated that she started feeling pain in her right shoulder in 2017. She recalls having her deposition taken in 2020. She felt pain when using a heavy iron in 2016 and she said that at the deposition. She reported the pain about three times to her supervisor, Blanca, in the middle of 2016. Applicant told Blanca it was her whole right arm and hand because of ironing all day. She also complained to Blanca of pain to her neck. She was not sure if she told Blanca about pain in her right shoulder, Blanca threw the doctor slip in her face and laughed. In 2016, Blanca told her to keep working when she was working there. In 2016, Blanca’s sister Martha told her to bear the pain or leave the job.

In January 2017, she experienced a severe level of pain, and that is when she left. She was ironing and holding the iron in her right hand. The iron weighs between four and five pounds.

She had treatment with Dr. Lee in 2017. Initially she told him about her elbow, hand, shoulder and back of her neck. She told Dr. Lee that she hurt her left elbow and she specified it was her right hand and right arm and right shoulder that she told the doctor about. She is not sure, but she thinks she treated with Dr. Lee for about six months. Dr. Lee wanted her to have cell therapy, but the insurance company did not approve this treatment. The treatment was for the pain in her right side. The insurance company only authorized the right elbow. The treatment for her arm, hand left elbow was not authorized.

She told the doctor that the cause of pain was doing the same type of work every day. The doctor agreed this was the cause.

After she saw Dr. Lee, she began to see the doctor who did the surgery – Dr. Reisch. She saw him approximately two or three weeks after she saw Dr. Lee in 2019, but she does not remember the exact date. She told him about her right arm and shoulder, and then he operated on her right away. He did the surgery. She does not recall if she saw him 2018 or whether or not that is the right date.

She also told the same doctor about her right arm and right shoulder. She had the surgery to her elbow in May of 2019. She did tell Dr. Reisch about the pain in her neck, and she also told Dr.

Lee, but she was told the treatment was not approved by the insurance. More therapy was also not authorized by the insurance.

She was told by the doctor that the right elbow only was authorized. She said the surgery was the last day in May of 2019.

She is still seeing Dr. Haronian. She started seeing him after Dr. Reisch. She does not know the exact day when she began to treat with Dr. Haronian. Dr. Haronian also said that the insurance was not authorizing treatment. She told Dr. Haronian what parts of body were bothering her. In January, most of the pain was in her right elbow and she had pain in her right shoulder, too. She was off work.

She was also bothered by her neck and both shoulders. Her upper and lower back bothered her and they bother her right now. The back pain started after the operation. And got worse after the operation.

On cross examination by Defendant Hanover, Applicant stated that she remember going to Glendale Memorial with her daughter on January 30, 2013. They provided her with a sling. She reported to her employer. She went to the manager and the paperwork was done, and she was contacted by Hanover.

An appointment was made for her to see Dr. Lee. She explained all her issues to Dr. Lee and he listened to all of her complaints. He provided her with medical reporting to take to her employer. Dr. Lee provided treatment to her right elbow and recommended surgery to her right elbow.

She did not remember who recommended Dr. Reisch. There was some sort of problem and it was not approved, so they switched doctors. Insurance approved the right elbow, but there was a problem with the back and the right arm.

She said in 2016, she did not have any treatment, but she took Tylenol.

On recross-examination by Travelers, Applicant stated that she thinks when she went to Glendale Memorial in 2017, she got a pain injection.

A Findings and Award issued on October 11, 2021. It is from this Award that Defendant Traveler is aggrieved. Applicant and Defendant Hanover have filed Answers.