

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

**ERIN STROUB, *Applicant***

**vs.**

**STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES,  
legally uninsured, administered by  
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Numbers: ADJ9882820; ADJ7798930; ADJ7689184  
Oakland District Office**

**OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION;  
OPINION AND DECISION AFTER RECONSIDERATION**

We previously granted defendant's Petition for Reconsideration (Petition) regarding case number ADJ9882820 to further study the factual and legal issues in this case.<sup>1</sup> We subsequently received defendant's Petition regarding case number ADJ7798930. This is our Opinion and Decision After Reconsideration.

Defendant seeks reconsideration of the Findings and Award (F&A) issued by the workers' compensation administrative law judge (WCJ) on September 8, 2022, in case number ADJ9882820, wherein the WCJ found in pertinent part that applicant was entitled to receive temporary disability indemnity benefits for the following periods: May 26, 2015, to May 31, 2015; August 17, 2015, to August 20, 2015; November 3, 2015, to November 5, 2015; June 17, 2016, to June 20, 2016; August 8, 2016, to August 22, 2016; February 28, 2017, to March 8, 2017; April 18, 2017, to April 23, 2017; April 25, 2017, to April 30, 2017; August 8, 2017, to August 10, 2017; September 19, 2017, to September 21, 2017; November 16, 2017, to November 19, 2017; March 20, 2018, to March 21, 2018; May 8, 2018, to May 10, 2018; May 24, 2018, to May 30, 2018; June 6, 2018, to June 7, 2018; and June 21, 2018.

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<sup>1</sup> We issued our Opinion and Order on November 28, 2022; Commissioner Sweeney was a member of the panel. Commissioner Sweeney has since retired, and another panel member has been assigned in her place.

Defendant contends that the trial record does not contain substantial evidence that applicant was entitled to additional periods of temporary disability indemnity and that applicant is not entitled to temporary disability indemnity as a result of taking time off work to attend medical treatment after her condition became permanent and stationary.

Defendant also seeks reconsideration of the F&A issued by the WCJ on September 8, 2022, in case number ADJ7798930, wherein the WCJ found that applicant was entitled to additional temporary disability benefits for the period from August 1, 2014, through August 27, 2014.

Defendant contends that applicant is not entitled to additional temporary disability benefits beyond the LC §4656(c)(2) 104 week maximum.

We received a Report and Recommendation on Petition for Reconsideration (Report) from the WCJ in case number ADJ9882820 and in case number ADJ7798930, recommending both Petitions be denied. We received an Answer from applicant, appearing in pro per.

We have considered the allegations in the Petitions and the Answer, and the contents of the Reports.

Regarding case number ADJ7798930, based on our review of the record, and for the reasons stated by the WCJ in the Report, which we adopt and incorporate by this reference thereto, we will affirm the F&A.

In regard to case number ADJ9882820, based on our review of the record, and for the reasons discussed below, we will rescind the F&A, and return the matter to the WCJ for further proceedings consistent with this opinion and to issue a new decision from which any aggrieved person may timely seek reconsideration.

### **BACKGROUND**

Applicant claimed injury to her bilateral shoulders, bilateral elbows, right arm/upper arm, and bilateral hands and wrists, while employed by defendant as a fire and life safety officer on January 21, 2015 (ADJ9882820). Applicant had previously claimed injury to her bilateral shoulders, right elbow, and right-hand on December 6, 2007, in case number ADJ7689184; and to her bilateral elbows, bilateral hands and wrists, right fingers and thumb, and left thumb on April 22, 2010 (ADJ77978930.)<sup>2</sup>

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<sup>2</sup> The Findings and Award in case number ADJ7689184, are not disputed. Therefore, that case is not at issue and will not be addressed.

Orthopedic agreed medical examiner (AME) Joel W. Renbaum, M.D., evaluated applicant on August 27, 2014. Dr. Renbaum examined applicant, took a history, and reviewed the medical record. The diagnoses included: post February 4, 2009, right shoulder arthroscopy; post February 1, 2011, right shoulder partial synovectomy, subacromial bursectomy; post May 16, 2012, right wrist De Quervain's tenosynovitis release; post April 12, 2013, left wrist De Quervain's tenosynovitis release; probable degenerative arthritis, carpometacarpal joint, right and left thumb; and right elbow strain. (Def. Exh. K, Dr. Renbaum, August 27, 2014, p. 17.)

Dr. Renbaum stated that applicant's condition was "felt to be permanent and stationary" as of the August 27, 2014, evaluation. (Def. Exh. K, p. 17.)

Applicant was re-evaluated by Dr. Renbaum on June 26, 2015. Dr. Renbaum noted that applicant told him she had returned to work in November of 2014, and that she was "currently working in her regular job." (Def. Exh. J, Dr. Renbaum, June 26, 2015, pp. 3 – 4.) He later stated:

It is my opinion that the patient is at a permanent and stationary level at the time of this evaluation. Since my last evaluation, the patient had seven days of total temporary disability related to the January 21, 2015, injury.  
(Def. Exh. J, p. 7.)

Applicant was re-evaluated by Dr. Renbaum on August 8, 2016. He noted that applicant continued to work full duty and he later stated that:

The patient's overall presentation at this time is somewhat worse than before with increased symptoms related to the new industrial injury of January 21, 2015. ¶ It is my opinion that the patient is permanent and stationary at this time for all body areas evaluated.  
(Def. Exh. I, Dr. Renbaum, August 8, 2016, p. 9.)

In response to correspondence from applicant's former counsel, Dr. Renbaum submitted a supplemental report wherein he stated:

There are multiple dates that the patient lost from work, which are outlined in your letter. It seems reasonable to state that these multiple times off because of her upper extremities should be considered Temporary Total Disability.  
(Def. Exh. G, Dr. Renbaum, March 8, 2017, p. 2.)<sup>3</sup>

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<sup>3</sup> The dates the doctor referred to were 2/24/15 - 2/28/15, 5/26/16 - 5/31/16, 7/10/15 - 7/15/15, 8/17/15 - 8/20/15, 11/3/15 - 11/5/15, 6/17/16 - 6/20/16 and 8/18/16 - 8/22/16; (See Def. Exh. N, Correspondence to Dr. Renbaum, February 13, 2017.)

On January 5, 2018, Dr. Renbaum again re-evaluated applicant. Dr. Renbaum noted:

The problems involving her shoulders and upper extremities are now seemingly completely under the care of Dr. Mazur and these problems and need for treatment stem from the injuries that have been previously outlined including the last injury of 2015. ¶ Erin Stroub is felt to have remained permanent and stationary with regard to her upper extremities. (Def. Exh. E, Dr. Renbaum, January 5, 2018, p. 10).

Regarding the cause of applicant's orthopedic condition, Dr. Renbaum stated:

With respect to the patient's right shoulder, right elbow and hands/wrists, the need for treatment, period of temporary disability, current symptoms and level of permanent disability are directly related to the industrial injuries of 12/06/07, 04/22/10 and 01/21/15. (Def. Exh. E, p. 12.)

Dr. Renbaum evaluated applicant again on August 27, 2019. In the "Discussion" section of his report, Dr. Renbaum stated:

Ms. Stroub continues to have a variety of problems involving her upper extremities. My opinion is unchanged from my report of January 2018. ¶ ... She is concerned that she has not gotten compensated for time off work to see her doctor which included her receiving cortisone injections. It seems to me that time off work to seek medical care should be compensated under standard rules of workers' compensation law. She apparently was taken off work after getting cortisone injections which is not unreasonable. She only has lost 12 days from when I saw her last which was over a year and a half ago. That amount of time off while seeking medical care is not inappropriate. (Def. Exh. D, Dr. Renbaum, August 27, 2019, p. 52.)

The parties proceeded to trial on June 8, 2022. The issues submitted for decision included applicant's claim of entitlement to additional temporary disability indemnity in case number ADJ7798930 and case number ADJ9882820; and the permanent and stationary date with defendant claiming June 26, 2015, based on the June 26, 2015, report from Dr. Renbaum. (Minutes of Hearing and Summary of Evidence (MOH/SOE), June 8, 2022, pp. 4 – 5.)<sup>4</sup>

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<sup>4</sup> It is important to note that although raised as an issue, the F&A does not contain a Finding as to the permanent and stationary date.

## DISCUSSION

As a preliminary matter defendant's Petition regarding case number ADJ7798930 is timely. Defendant filed the Petition on September 28, 2022. However, the Petition did not come to the attention of the Appeals Board until December 3, 2022. Defendant's Petition was not timely acted upon by the Appeals Board, which has 60 days from the filing of a petition for reconsideration to act on that petition. (Lab. Code, § 5909.) Here, through no fault of defendant, the timely-filed Petition did not come to the attention of the Appeals Board until after the expiration of the statutory time period. Consistent with fundamental principles of due process, and in keeping with common sensibilities, we are persuaded, under these circumstances, that the running of the 60-day statutory period for reviewing and acting upon a petition for reconsideration begins no earlier than the Appeals Board's actual notice of the Petition, which occurred on December 3, 2022. (See *Shipley v. Workers' Comp. Appeals Bd.* (1992) 7 Cal.App.4th 1104, 1107-1108 [57 Cal.Comp.Cases 493]; *State Farm Fire and Casualty v. Workers' Comp. Appeals Bd. (Felis)* (1981) 119 Cal.App.3d 193 [46 Cal.Comp.Cases 622, 624].)

In the Report addressing the Petition in case number ADJ7798930, the WCJ notes that at the June 8, 2022, trial, the parties stipulated:

... that applicant was paid a total of 606 days of temporary disability or its statutory equivalent paid by defendant, with the last date of benefits paid being on April 24, 2012. Defendant does not dispute that it stipulated to these dates totaling 606 days of temporary disability or its statutory equivalent paid.  
(Report, p. 3; MOH/SOE, p. 3.)

The WCJ later explained that:

... the MOH/SOE was based upon the jointly drafted February 22, 2022 Pre-Trial Conference statement, and there was no objection by the parties to the periods of temporary disability set forth as paid for this injury when the MOH/SOE was served on the parties on September 7, 2022.  
(Report, p. 4.)

Labor Code section 5702 states that:

The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the appeals board. The appeals board may thereupon make its findings and award based upon such stipulation, or may set the matter down for hearing and take further testimony or make the further investigation necessary to enable it to determine the matter in controversy. (Lab. Code, § 5702)

Stipulations are binding on the parties unless, on a showing of good cause, the parties are given permission to withdraw from their agreements. (*County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114 [65 Cal.Comp.Cases 1] (*Weatherall*)). As defined in *Weatherall*, "A stipulation is 'An agreement between opposing counsel . . . ordinarily entered into for the purpose of avoiding delay, trouble, or expense in the conduct of the action,' (Ballentine, Law Dict. (1930) p. 1235, col. 2) and serves 'to obviate need for proof or to narrow range of litigable issues' (Black's Law Dict. (6th ed. 1990) p. 1415, col. 1) in a legal proceeding." (*Weatherall, supra*, at 1119.) Here, in his Report the WCJ noted that defendant did not object to the stipulation as stated in the MOH/SOE, and it has not shown good cause to be relieved from said stipulation. Thus, we affirm the F&A in case number ADJ7798930.

Addressing the issues raised by defendant's Petition in case number ADJ9882820; the essential purpose of temporary disability indemnity is to help replace the wages the employee would have earned, but for the injury, during his or her period(s) of temporary disability. (*Signature Fruit Co. v. Workers' Comp. Appeals Bd. (Ochoa)* (2006) 142 Cal.App.4th 790, 801 [71 Cal.Comp.Cases 1044].) "A temporary disability is an impairment reasonably expected to be cured or improved with proper medical treatment." (*Id* at 795.) Temporary disability ends when the employee returns to work, when the employee is deemed medically able to return to work, or when the employee's medical condition becomes permanent and stationary. (*Huston v. Workers' Comp. Appeals Bd. (Coast Rock)* (1979) 95 Cal.App.3d 856, 868 [44 Cal.Comp.Cases 798, 806].) The fact that an injured worker is receiving medical treatment is not in and of itself substantial evidence that the injured worker is temporarily totally disabled. It is quite common for an injured worker to be awarded lifetime medical treatment after the injury condition became permanent and stationary. (See e.g., DWC-WCAB form 10214(a) - Stipulations with Request for Award; *Skelton v. Workers' Comp. Appeals Bd.* (2019) 39 Cal.App.5th 1098 [84 Cal.Comp.Cases 795].) Regarding this issue the California Supreme Court stated:

[W]e find no authority for the proposition that an injured worker is entitled to payment of TDI to reimburse him for wages lost while pursuing medical treatment for an industrial injury once that injury has become permanent and stationary. On the contrary, once the employee's injury is permanent and stationary and, as here, the employee returns to work, he is no longer entitled to TDI.

(*Department Of Rehabilitation v. Workers' Comp. Appeals Bd. (Lauher)* (2003) 30 Cal.4th 1281, 1297 [68 Cal.Comp.Cases 831, 842].)

Here, in his Report addressing the Petition in case number ADJ9882820, the WCJ noted:

As documented by the reports of Dr. Mazur (Exh. 6) and Dr. Schmidt (Exh. 7), applicant did not just attend appointments during the periods, claimed. Rather, she was taken off of work or placed on modified duty for the periods at issue.  
(Report, p. 3.)

However, having reviewed the record it appears that the work status notes by Drs. Mazur and Schmidt (App. Exhs. 6 and 7) do not describe the medical treatment applicant received nor do they explain why applicant was taken off work for the days listed. (App. Exh. 6, Kai Uwe Mazur, M.D., various dates May 26, 2015, to June 20, 2019; App. Exh. 7, Eric S. Schmidt, M.D., p. 1 January 23, 2015, p. 2 March 1, 2017.) The trial record does not include treatment notes pertaining to the dates identified in the work status notes. Absent information addressing the nature of the treatment applicant received, the cause of the need for treatment, or why the treatment required that applicant be taken off work, the doctors' work status notes, do not constitute substantial medical evidence for the purpose of determining whether applicant was temporarily totally disabled as a result of the treatment. (*Place v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 372 [35 Cal.Comp.Cases 525]; *Heggin v. Workmen's Comp. Appeals Bd.* (1971) 4 Cal.3d 162 [36 Cal.Comp.Cases 93].)

Also, AME Dr. Renbaum stated that applicant's condition was permanent and stationary in his June 26, 2015, August 8, 2016, January 5, 2018, and August 27, 2019, reports. (See Def. Exhs. J, I, E, and D.) An injured worker's disability cannot be both permanent and temporary at the same time. (*Western Growers Ins. Co. v. Workers' Comp. Appeals Bd. (Austin)* (1993) 16 Cal.App.4th 227, 235 [58 Cal.Comp.Cases 323].) As noted, Dr. Renbaum determined that applicant's condition was permanent and stationary in June of 2015, and remained permanent and stationary through August of 2019. This is inconsistent with his statement that, "It seems reasonable to state that these multiple times off because of her upper extremities [as identified in correspondence from applicant's former counsel] should be considered Temporary Total Disability." (Def. Exh. G, p. 2.) Dr Renbaum was not provided any medical records for review, related to the "multiple times off" and in none of his reports did Dr. Renbaum explain or otherwise address the inconsistencies in his opinions as to applicant's disability status. We further note, it appears that Dr. Renbaum's opinion that applicant was entitled to temporary disability indemnity for "time off work to seek medical care" (Def. Exh. D, p. 52) was based on an incorrect legal

theory. As explained earlier, receiving medical treatment is not in and of itself substantial evidence that applicant was temporarily totally disabled.

Again, a doctor's opinion that is based on an inadequate medical history (the lack of medical records for review) or on an incorrect legal theory, is not substantial evidence. (*Place v. Workmen's Comp. Appeals Bd.*, *supra*; *Hegglin v. Workmen's Comp. Appeals Bd.*, *supra*; see also *Bracken v. Workers' Comp. Appeals Bd.* (1989) 214 Cal. App. 3d 246 [54 Cal.Comp.Cases 349]; *Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604 (Appeals Board en banc).) Thus, Dr. Renbaum's reports are not substantial evidence upon which an award of temporary disability indemnity benefits may be based.

It is well established that the Appeals Board has the discretionary authority to develop the record when the record does not contain substantial evidence pertaining to a threshold issue, or when it is necessary in order to fully adjudicate the issues. (Lab. Code §§ 5701, 5906; *Tyler v. Workers' Comp. Appeals Bd.* (1997) 56 Cal.App.4th 389 [62 Cal.Comp.Cases 924]; see *McClune v. Workers' Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117 [63 Cal.Comp.Cases 261].)

Under the circumstances of this matter, we recommend that upon return to the trial level, the WCJ calendar a status conference and if the parties are unable to resolve the matter, that he assist them in determining how best to develop the record regarding the issues discussed herein.

Accordingly, we affirm the F&A in case number ADJ7798930; and we rescind the F&A in case number ADJ9882820 and return the matter to the WCJ for further proceedings consistent with this opinion and to issue a new decision from which any aggrieved person may timely seek reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that Defendant's Petition for Reconsideration is **DENIED**.

**IT IS FURTHER ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the September 8, 2022, Findings and Award issued in case number ADJ7798930 is **AFFIRMED**.



**IT IS FURTHER ORDERED** that the September 8, 2022, Findings and Award in case number ADJ9882820 is **RESCINDED**, and the matter is **RETURNED** to the WCJ to conduct further proceedings consistent with this opinion and to issue a new decision from which any aggrieved person may timely seek reconsideration.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

**/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



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

**January 27, 2023**

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

**ERIN STROUB, *IN PRO PER*  
STATE COMPENSATION INSURANCE FUND, LEGAL**

**TLH/mc**

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

## REPORT AND RECOMMENDATION ON PETITION FOR RECONSIDERATION

Case No. ADJ7798930

### INTRODUCTION

By a timely and verified Petition for Reconsideration (Petition), defendant seeks reconsideration of my September 7, 2022 Findings and Award<sup>1</sup>, wherein I found, among other things, that applicant, while employed on April 22, 2010, as a fire life safety officer (Occupational Group No. 213), with applicant claiming injury to her bilateral elbows, bilateral hands and wrists, right fingers and thumb, and left thumb, causing permanent disability of 14%. I further found that defendant paid temporary disability from August 8, 2012 through October 2, 2012, \$1,010.50 from April 26, 2013 through December 19, 2013, at \$1,066.72 and from December 20, 2013 through July 3, 2014 at \$1,074.64, and defendant authorized industrial disability leave for this injury from April 22, 2010 through April 24, 2010; June 20, 2011 through September 13, 2011; October 4, 2011; October 12, 2011; November 1, 2011; November 22, 2011; November 28, 2011; November 30, 2011; December 7, 2011; January 3, 2012; January 11, 2012; March 9, 2012; March 20, 2012; and from April 10, 2012 through April 24, 2012.

I also found applicant entitled to an additional period of temporary disability from August 1, 2014, through August 27, 2014. The finding of this additional period of temporary disability was based upon the opinion of the Agreed Medical Examiner (AME), Dr. Joel Renbaum, after his review of medical records supporting these periods.

Defendant contends in this second Petition<sup>2</sup> that the additional temporary disability awarded from August 1, 2014 – August 27, 2014 was improperly awarded because defendant had already paid more than the statutory 104 weeks (728 days) of temporary disability for the

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<sup>1</sup> The Opinion on Decision was issued as a Joint Opinion on Decision involving two other cases, which are not the subject of defendant's Petition for Reconsideration.

<sup>2</sup> There was a Petition for Reconsideration filed by defendant on September 28, 2022 in the companion case number ADJ9882820, which was the subject of my October 24, 2022 Report and Recommendation on Petition for Reconsideration (R&R) in that case. The Petition in ADJ9882820 was properly tasked to this judge, which prompted me to file my R&R in that case. For reasons that are unclear to the undersigned and Presiding Judge Lam, no task was generated for action by the Oakland WCAB for the Petition in ADJ7798930. The Oakland WCAB did not become aware of the Petition in ADJ7798930 until after 60 days had passed from the date of the September 28, 2022 Petition. No Petition for Reconsideration has been filed in ADJ7689184, which is the other case that was the subject of the recent trial in this matter.

April 22, 2010 date of injury (ADJ7798930). Applicant filed an Answer, disputing defendant's contentions. I have reviewed the entire record in this matter, defendant's Petition and applicant's Answer. Based upon my review, I recommend that defendant's Petition be denied.

### **DISCUSSION**

My review of defendant's Petition does not cause me to change my opinion, for the following reasons.

The parties utilized an agreed medical examiner (AME), Dr. Joel Renbaum, to determine disputed issues in this case. The opinion of an AME chosen for expertise and neutrality should be followed absent good reason the opinion is not persuasive. (*Power v. Workers' Comp. Appeals Bd.* (1986) 179 Cal.App.3d 775, 782 [51 Cal.Comp.Cases 114].) As set for the in my Opinion on Decision, the reporting of Dr. Renbaum supports temporary disability status from this injury from August 1, 2014 through August 27, 2014, at which time her condition from this injury reached permanent and stationary status.

As stated at p. 3 of my September 8, 2022, Opinion on Decision, the dates stipulated to by the parties at p. 3 of the June 8, 2022 Minutes of Hearing and Summary of Evidence (MOH/SOE), document that applicant was paid a total of 606 days of temporary disability or its statutory equivalent paid by defendant, with the last date of benefits paid being on April 24, 2012. Defendant does not dispute that it stipulated to these dates totaling 606 days of temporary disability or its statutory equivalent paid. Defendant contends, however, that documentation in its benefits printout (Exh. C)<sup>3</sup> shows that applicant was paid temporary disability benefits after April 24, 2012. To wit, the documentation in the benefits printout shows that applicant was also paid temporary disability for the April 22, 2010 injury from May 16, 2012 – October 10, 2012, from April 12, 2103 – December 19, 2013, and from December 20, 2013 – July 31, 2014. When taken together with the 606 days of temporary disability or its statutory equivalent paid per the MOH/SOE, the temporary disability/IDL would total more than 104 weeks. If this was the case, then the additional period of

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<sup>3</sup> Defendant also notes that the November 19, 2020 emails (Exh. 8) between the attorney for defendant and applicant's former attorney support the additional period of temporary disability paid after April 24, 2012. I decline to rely on these emails as clear proof of benefits paid, as they are not the best evidence, and are a mere recitation of other documents.

temporary disability awarded from August 1, 2014 – August 27, 2014 would be improper, based upon the 104 weeks statutory limitation pursuant to Labor Code section 4656(c)(2).

Applicant’s response, however, notes that she cannot state that she is in agreement with temporary disability paid pursuant to defendant’s benefits printout (Exh. C), and she notes what she believes are some discrepancies in temporary disability and IDL benefits paid over the years. I further note that, although exhibit C was entered into evidence without objection, it was not authenticated by defendant, which makes its validity less clear.

In any event, there is a dispute regarding when applicant was paid temporary disability or its statutory equivalent paid, as between what is reflected in exhibit C and the MOH/SOE. Exhibit C was not authenticated, and it appears that applicant may not agree with all of the dates in exhibit C as accurate. On the other hand, the MOH/SOE was based upon the jointly drafted February 22, 2022 Pre-Trial Conference statement, and there was no objection by the parties to the periods of temporary disability set forth as paid for this injury when the MOH/SOE was served on the parties on September 7, 2022. Therefore, I continue to rely on the MOH/SOE for the agreed-on periods of temporary disability paid for this injury. Accordingly, there is no basis to alter the award of the additional period of temporary disability awarded from August 1, 2014 – August 27, 2014.

### **RECOMMENDATION**

Based upon the foregoing, I recommend that defendant’s Petition for Reconsideration be **DENIED.**

Dated: December 21, 2022

**JAMES GRIFFIN**  
**WORKERS’ COMPENSATION**  
**ADMINISTRATIVE LAW JUDGE**

SERVICE:  
ON: **12/22/2022** BY: Lily Acosta  
PARTIES:

ERIN STROUB, US Mail  
SCIF STATE EMPLOYEES ROHNERT PARK, Email