

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

ROSENDO HERNANDEZ, *Applicant*

vs.

**SUBSEQUENT INJURIES
BENEFITS TRUST FUND, *Defendants***

**Adjudication Number: ADJ10205546
Salinas 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 and Opinion on Decision 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 and the Opinion on Decision, both of which we adopt and incorporate, except as noted below, we will grant reconsideration, amend the WCJ's decision as recommended in the report, and otherwise affirm the November 6, 2023 Amended Findings and Award on Application for Permanent Disability Indemnity from the Subsequent Injuries Benefit Trust Fund.

We do not adopt and incorporate the incorrect calculation of impairment contained in the Opinion on Decision, which totaled 126%, but rather adopt the WCJ's corrected calculation resulting in a total of 138%, as reflected in the Report. In addition, we note that the WCJ's discussion of the value of labor disabling conditions, before adjustment for age and occupation, is unnecessary in relation to the pre-existing injuries. Finally, we agree with the WCJ that the opinion of agreed medical examiner (AME) Mark Anderson, M.D., and of Larry Woodcox, D.C., upon which he relied, are substantial medical evidence. To be considered substantial evidence, a medical opinion "must be predicated on reasonable medical probability." (*E.L. Yeager Construction v. Workers' Comp. Appeals Bd. (Gatten)* (2006) 145 Cal.App.4th 922, 928 [71

Cal.Comp.Cases 1687]; *McAllister v. Workmen's Comp. Appeals Bd.* (1968) 69 Cal.2d 408, 413, 416–17, 419 [33 Cal.Comp.Cases 660].) A physician's report must also be framed in terms of reasonable medical probability, it must not be speculative, it must be based on pertinent facts and on an adequate examination and history, and it must set forth reasoning in support of its conclusions. (*Yeager Construction v. Workers' Comp. Appeals Bd. (Gatten)* (2006) 145 Cal.App.4th 922, 928 [71 Cal.Comp.Cases 1687]; *Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 612 (Appeals Board en banc), 70 Cal.Comp.Cases 1506 (writ den.).)

For the foregoing reasons,

IT IS ORDERED that reconsideration of the November 6, 2023 Amended Findings and Award on Application for Permanent Disability Indemnity from the Subsequent Injuries Benefit Trust Fund is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the November 6, 2023 Amended Findings and Award on Application for Permanent Disability Indemnity from the Subsequent Injuries Benefit Trust Fund is **AFFIRMED, EXCEPT** that it is **AMENDED** as follows:

FINDINGS OF FACT

* * *

10. When considering the permanent disability rating of each component of injury without regard to or adjustment for age or occupation and including the DFEC adjustment, and adding the impairments' disability percentage from each separate injury, the total is 138%, exceeding 100% permanent total disability, and satisfying the requirement of Labor Code §4751 of at least 70% permanent disability in total. Therefore, Applicant is entitled to an award of benefits based on resulting permanent total disability at 100% permanent total disability.

* * *

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 29, 2024

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

**ROSENDO HERNANDEZ
DILLES LAW GROUP
OFFICE OF THE DIRECTOR-LEGAL UNIT (OAKLAND)**

PAG/abs

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

**REPORT AND RECOMMENDATION
ON PETITION FOR RECONSIDERATION**

I
INTRODUCTION

Defendant, Subsequent Injuries Benefit Trust Fund (hereafter SIBTF), by and through attorneys for the Director of the Department of Industrial Relations, have filed a timely, verified Petition for Reconsideration contending that this WCJ erred in finding that the Applicant's low back injury included radiculopathy to the legs which allowed the Applicant to reach the 5% opposite and corresponding member threshold even though the disability rating was for the low back only, and erred in finding that SIBTF stipulated to radiculopathy to the lower extremities associated with the low back injury, and erred in finding prior labor disabling disability without prior contemporaneous evidence of actual disability, relying on Applicant's testimony alone, without substantial medical evidence, and erred by impermissibly relying on Applicant's lay testimony regarding alleged prior disabilities, and erred by not making all the necessary findings for an SIBTF case.

SIBTF asserts that Applicant did not prove that he sustained a subsequent industrial injury that resulted in an unadjusted standard permanent disability of 35% or more, nor did he prove that he had a single subsequent industrial injury resulting in an unadjusted standard permanent disability of 5% to the opposite and corresponding member (hand, arm, leg, foot, or eye). SIBTF contends that Applicant did not meet either threshold and is therefore aggrieved by Amended Findings & Award, finding the Applicant eligible for SIBTF benefits.

II
FACTS

The Applicant worked as a Peace Officer for the California Highway Patrol (CHP), and asserted that on April 14, 2015, he sustained an injury arising out of and in the course of employment to his low back (ADJ10205546). This injury claim was resolved by a settlement agreement with Joint Order Approving issued August 4, 2021 (EAMS ID #74501117) and is described in the agreement as an injury to the low back with a permanent disability rating of 32%. This Compromise and Release settlement agreement included two additional injury claims, ADJ10205547, a specific injury on 6/29/2013 to the right knee with a permanent disability rating of 4%, and ADJ10205545, a specific injury on 9/26/2012 to the right knee with a permanent disability rating of 0% (EAMS ID #74466233).

On July 13, 2020, Applicant filed an Application for benefits from the Subsequent Injuries Benefit Trust Fund (SIBTF), asserting that he had sustained injury arising out of and in the course of employment on April 14, 2015, which resulted in permanent and partial disability to his back, which when considered alone and without regard to or adjustment for the Applicant's occupation or age is equal to >5% or more of total disability.

Evidence and testimony was presented at trial on August 15, 2023. The parties provided trial briefs, as well. Findings and Award issued on November 6, 2023, in which it was found that the Applicant sustained injury on April 14, 2015 to his low back with radiculopathy to the lower extremities, this included correction by stipulation of the parties to the date of injury as occurring in 2015, in order to correct an error in the previous Findings, Award and Order of June 1, 2018, which found the injury to have occurred on April 14, 2018. It was found that Applicant was permanently partially disabled prior to the industrial injury occurring on April 14, 2015, to his right knee with previous partial disability of 2% when considered alone and without regard to or adjusted for occupation and age, to his psyche with previous partial disability of 71% when considered alone and without regard to or adjustment for occupation and age, and to both of his ankles and feet with previous partial disability of 7% to each foot/ankle when considered alone and without regard to or adjustment for occupation and age.

It was found that the subsequent injury did not result in impairment when considered alone and without regard to or adjustment for occupation or age, of 35% or more. However, it was found that the injury of April 14, 2015 did affect the left leg, and as impairment was assessed at 24% without regard to or adjustment for occupation or age, and as the opposite and corresponding member for the previously impaired right knee, foot and ankle, with disability equal to more than 5% of total, Applicant had met the threshold for consideration of an award of benefits from SIBTF. It was found that based on the combined permanent impairment the Applicant's permanent disability exceeded 100% and Applicant was entitled to an award based on 100% permanent total disability, with Applicant's Attorney entitled to fees of 15% from the award. It is from these findings and the resulting Award of benefits that SIBTF seeks reconsideration.

III **DISCUSSION**

SIBTF's assertion that they did not stipulate to injury to the low back with radiculopathy to the lower extremities is accurate. This is a finding of the WCJ, listed under the heading of "Findings of Fact". The component of Finding Number 1, specifically stipulated to at the time of trial, and specifically requested by the parties, was as to the date of injury of April 14, 2015. This was included in order to correct an error in the Findings, Award and Order issued previously on June 1, 2018, wherein the date of injury for ADJ10205546 was found to be April 14, 2018, a probable typographical error (EAMS ID 67211359). The parties requested and stipulated that the correct date of injury is April 14, 2015, for this claim of injury, which is why there is a parenthetical note in Finding Number 1 directly after the date of injury noting the correction by stipulation from the prior Findings, Award and Order. The finding that the Applicant's low back injury included radiculopathy to the legs which allowed the Applicant to reach the 5% opposite and corresponding member threshold even though the disability rating was for the low back only, was the judge's finding and not based on any stipulation of the parties.

There is also no dispute with SIBTF's assertion that Applicant did not prove that he sustained a subsequent industrial injury that resulted in an unadjusted standard permanent disability of 35%. Finding Number 8 states "The subsequent injury of April 14, 2015, does not result in impairment, when considered alone and without regard to or adjustment for occupation or age, of 35% or more of total". The finding which resulted in meeting the threshold for consideration for SIBTF benefits

was solely based on the determination that the Applicant had a single subsequent industrial injury resulting in an unadjusted standard permanent disability of 5% or more to the opposite and corresponding member (hand, arm, leg, foot, or eye).

The Joint Compromise and Release Agreement approved on August 4, 2021, includes an industrial injury prior to the August 14, 2015 date of injury, which occurred on June 29, 2013, and resulted in permanent impairment of 4% to the right knee, a part of the right leg. Agreed Medical Evaluator, Mark Anderson, MD, provides a rating for the right knee impairment, using AMA Guides 5th Edition, page 544, Table 17-31, as 2% Whole Person Impairment, on page 7, of the August 10, 2017 report.

The August 10, 2017, report also notes, for the injury of April 14, 2015, at page 3, “patient states that he had an epidural last August, which helped improve some of his left leg pain”, and at page 4, under Chief Complaints, “patient states that he has daily pain in the lumbar spine, which radiates down the left leg down into the left calf. He does not get any neurologic complaints to the left foot.” Dr. Anderson provides the rating for Applicant’s injury to the lumbar spine as 19% Whole Person Impairment, after considering AMA Guides 5th Edition, page 384, Table 15-3 and page 136, Table 6-9, determining that the latter provides the more accurate representation of the Applicant’s impairment considering the Guzman analysis. (Exhibit A3, EAMS ID 47089451) Larry Woodcox, DC evaluated the Applicant for purposes of the application for SIBTF benefits, concurring with Dr. Anderson’s determination of 19% as the most accurate rating of permanent disability for the Applicant’s lumbar spine. Dr. [Woodcox] also notes pain radiating to the left leg. He concurs with Dr. Anderson’s assessment of permanent impairment of the right knee at 2% and provides work restrictions for the right knee as a pre-existing condition prior to the April 14, 2015 injury. (Exhibit A6, EAMS ID 47089454)

The Applicant had an injury to his right knee, affecting the right leg, on June 29, 2013, resulting in 2% Whole Person Impairment, before any adjustment, DFEC, occupation or age, and resulting in residual labor disabling disability, as noted by Dr. Woodcox, as arthralgia with patellofemoral syndrome and mild patellofemoral subluxation. He then had a subsequent injury on April 14, 2015, to the low back with radiculopathy affecting the left leg, resulting in Whole Person Impairment of 19% before any adjustment, DFEC, occupation or age. This alone, is sufficient to meet the threshold and is substantiated by substantial medial evidence from the AME, Mark Anderson, MD, and the evaluating doctor, Larry Woodcox, DC.

The case of *Hard v. WCAB (1974) 2 CWCR 48* provides a similar pattern of injuries. In that case the Applicant had lost his left leg in a prior injury and sustained a subsequent industrial injury to his back which caused problems to his right leg. The court concluded that Labor Code §4751 requires only that the subsequent injury “affect” the opposite and corresponding member, and the radicular symptoms in the leg as a result of a back injury, affected the opposite and corresponding member to the previously impaired leg. It does not require that the opposite member have pathology or be injured, only that it affect the opposite and corresponding member, as stated in *Gillispie v. Plastech; SIBTF (2010) 38 CWCR 304 (WCAB)*. Further, as stated in *SIF v. WCAB (Smith) (1954) 19 Cal Comp Cases 158*, the opposite and corresponding member does not have to be an identical body part. In *Smith*, the Court of Appeal found that SIF entitlement was established with a subsequent injury to a right finger, as the opposite and corresponding member to a previous

left shoulder injury. Therefore even though the prior injury in this case was to the right knee, the subsequent back injury “affecting” the left leg qualifies as the opposite and corresponding member.

Additionally, the Applicant had previous injuries to both his feet and ankles. SIBTF is correct that contemporaneous medical reports were not available to review, as the Applicant was born pigeon-toed and club footed and had surgery to correct the conditions as a child. Reports related to those surgical procedures have been destroyed through no fault of the Applicant and are not available to be produced. However, because of the extent of the treatment there is no doubt that contemporaneous documentation existed at the time, and surgical scarring and evidence of the underlying condition and the procedures completed to correct the condition are evident and noted in the medical reports of the evaluation of the Applicant in conjunction with his application for SIBTF benefits. Specifically, the reports of Dr. Anderson, which includes in the report of April 14, 2016, a Past Medical History note regarding Surgery, that he had “bilateral club foot corrections as a child” (at page 2), and notes in the Physical Examination, that the “patient did have standard 7.5” scars for correction of his bilateral clubfeet. These start along the mid-foot area and run up along the Achilles tendon bilaterally. He has mild flatfoot deformity bilaterally.” (at page 3) This report notes objective evidence of the surgical procedures and the remaining disabling deformity, independent of the Applicant’s testimony regarding this prior injury. (Exhibit A4, EAMS ID #47089452)

In addition, with regard to Applicant’s pre-existing disabilities to the feet and ankles, Larry Woodcox, DC, notes in his March 1, 2022 report that the Applicant had bilateral clubfoot deformities present since birth, post-surgical repair. Dr. Woodcox notes residual permanent impairment, based on the post-surgical clubfoot deformities, with permanent disability rated at 6% Whole Person Impairment. Dr. Woodcox provides a permanent and stationary date of September 19, 2002 for the pre-existing disability to both the feet and ankles and indicates work restrictions, which would be labor disabling. (page 36 and 37). (Exhibit A6, EAMS ID 47089452). The reports of Dr. Anderson and Dr. Woodcox constitute substantial medical evidence, and include that each doctor examined contemporaneous medical evidence, in the aged residual surgical scarring and residual post-surgical deformities. The scarring and residual post-surgical deformities are themselves contemporaneous objective medical evidence, even in the absence of contemporaneous medical records. This evidence was supplemented and supported by the Applicant’s testimony, but testimony alone, was not the basis for the determination of prior labor-disabling disability.

With assessment of prior labor disabling disability and subsequent disability having been confirmed, and the threshold having been determined to have been met by the subsequent injury affecting an opposite and corresponding member with disability greater than 5%, the next step was to evaluate whether the combined pre-existing and subsequent permanent partial disability is greater than the subsequent partial disability alone, and that the combined disability is equal to 70% or more. The report of Morton Scheinbaum, MD, dated July 1, 2021, was also considered, as it includes diagnoses of additional pre-existing disability. Dr. Scheinbaum’s evaluation, noting a complex history of post-traumatic stress disorder, subsequent to military service, as well as prior abuse, and including review of contemporaneous medical records from Applicant’s psychological treatment, was determined to constitute substantial medical evidence of Applicant’s pre-existing psychological disability and impairment, assessing impairment at 51%, unadjusted. Dr. Scheinbaum also provides an assessment of sleep impairment associated with the Applicant’s

PTSD at 15%, unadjusted. (Exhibit A7, EAMS ID #47089455) There is no rebuttal to the determinations of Dr. Scheinbaum, and Applicant's testimony was consistent and substantiated Dr. Scheinbaum's determinations.

There is an error in the decision, in the calculation of impairment with the increase using the tables for pre-2013 DFEC modification having been utilized rather than the post 1/1/2013 modifier of 1.4, and this should be corrected, although the threshold is met without inclusion of any modifier. The appropriate method of computing disabilities after 2013, is to adjust with the DFEC modifier and add the disabilities. Adding each disability is appropriate pursuant to Todd v. SIBTF (2020) 85 Cal Comp Cases 576, 578. In the decision, the disability percentages for each component injury are provided in separate findings, Finding 3, 24% for the low back injury of 4/14/2015, Finding 4, 7% for the right foot/ankle and 7% for the left foot/ankle, for the pre-existing injury due to the post-surgical clubfoot disability, Finding 5, 71% for the pre-existing disability to the psyche and 15% for the pre-existing PTSD associated sleep impairment, Finding 6, 2% for the impairment to the right knee, for the prior injury of 6/29/2013. The mathematical calculation is provided in the Opinion as $(24 + 71 + 7 + 7 + 2 + 15 \cdot 9 = 126)$. Had the correct modifier been used it would be more accurately stated as $(27 + 71 + 8 + 8 + 3 + 21 = 138)$. However, utilizing either calculation, the total exceeds 100% and would be capped at 100%, so consideration of further adjustment for age and occupation was not necessary. The medical evidence substantiates that the disability of the combined injuries exceeds the disability of the subsequent injury alone, and is assessed at above 100% permanent total disability, exceeding the 70% requirement. The conclusion that the Applicant has permanent impairment of in excess of 100% and is permanently totally disabled is supported by the report of the vocational evaluator, Scott Simon, MS, CRC, dated January 13, 2023, who opined that in considering the combined impact of the Applicant's pre-existing disability and the subsequent injury, that the "Applicant was not amenable to a return to work and had sustained 100% loss of labor market access, future earning capacity, and amenability to rehabilitation". (Exhibit A8, EAMS ID #47089456)

The determination that Applicant met the threshold for consideration of SIBTF benefits was met with the finding of 5% or greater disability to the opposite and corresponding member, and the determination that the Applicant had surpassed the threshold of 70% permanent impairment for the combined permanent disability was proper, based on the evaluation of the documentary evidence as well as the testimony of the applicant.

IV **RECOMMENDATION**

It is recommended that the mathematical calculation of combined impairment be amended to reflect the appropriate DFEC modification and correct impairment total after addition, but that the Petition for Reconsideration be denied for the reasons stated above.

Lori Alison Holmes
PRESIDING WORKERS' COMPENSATION JUDGE

Date: 12/20/2023

OPINION ON DECISION

Legislation developing the Subsequent Injuries Benefit Trust Fund was undertaken to encourage the employment of the disabled as part of a complete system of workers' compensation, as contemplated by the California Constitution. Preexisting disability may be congenital, developmental, pathological or due to an industrial or non-industrial accident. Applicant sustained a compensable industrial injury on April 14, 2015, which was resolved by Compromise and Release, with an Order Approving the settlement issued on August 4, 2021. Applicant filed an Application for Benefits from the Subsequent Injuries Benefit Trust Fund, asserting that the Applicant had previous disabilities, prior to his injury on April 14, 2015, which when combined met the threshold for receipt of benefits from the Subsequent Injuries Benefit Trust Fund.

Eligibility for Benefits from the Subsequent Injuries Benefit Trust Fund

Labor Code § 4751 provides that:

“If an employee who is permanently partially disabled receives a subsequent injury resulting in additional permanent partial disability so that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone, and the combined effect of the last injury and the previous disability or impairment is a permanent disability equal to 70 percent or more of total, he shall be paid in addition to the compensation due under this code for the permanent partial disability caused by the last injury compensation for the remainder of the combined permanent disability existing after the last injury as provided in this article; provided that either (a) the previous disability or impairment affected a hand, an arm, a foot, a leg or an eye, and the permanent disability resulting from the subsequent injury affects the opposite and corresponding member, and such latter permanent disability, when considered alone and without regard to, or adjustment for, the occupation or age of the employee, is equal to 5 percent or more of total, or (b) the permanent disability resulting from the subsequent injury, when considered alone and without regard to or adjustment for the occupation or the age of the employee, is equal to 35 percent or more of total.”

In order for the employee to be entitled to additional benefits from the Subsequent Injuries Benefit Trust Fund, pursuant to Labor Code §4755, the conditions of Labor Code §4751 must be met.

When considering the subsequent injury alone, the compensable industrial injury of April 14, 2015, impairment was established at 19% prior to adjustment for age and occupation. This increases to 24% with adjustment for Diminished Future Earning Capacity (DFEC). This disability determination is reflected in the reports of AME Mark Anderson which were found to be substantial medical evidence. Applicant's permanent impairment for the subsequent injury when including the adjustment for DFEC is 24%. This is less than the required minimum of 35%.

However, Applicant was evaluated to have a previous disabling condition to the right knee and to both feet and ankles, and would be eligible for benefits if the subsequent injury included disability affecting the opposite corresponding leg. Applicant sustained injury to the lumbar spine which affected the lower extremities, the left more than the right, as part of the compensable industrial injury of April 14, 2015. As previously stated, the permanent disability without adjustment for age or occupation with DFEC adjustment for the subsequent injury to the lumbar spine is 24%. This exceeds the minimum threshold for qualification for benefits from the Subsequent Injuries Benefit Trust Fund. Applicant meets the threshold when considering this component for qualifying as articulated in Labor Code §4751.

Since the Applicant meets the threshold for consideration of SIBTF benefits, Applicant must then show that the combined effect of the subsequent injury and the previous disability or impairment when combined results in permanent disability equal to 70% or more of total. The report of Dr. Joel Scheinbaum, which includes review of records contemporaneous to the diagnosis prior to the subsequent injury and a determination that the components had reached a permanent and stationary status prior to the subsequent injury, assesses permanent disability at 51% unadjusted, increased to 71%, when the DFEC adjustment is included, when considered alone and without regard to or adjusted for Applicant's occupation and age. Dr. Scheinbaum also diagnoses prior sleep impairment, associated with the PTSD and pain, which was assessed with a permanent impairment rating at 15% unadjusted. The report of Dr. Scheinbaum was found to constitute substantial medical evidence, although there were no contemporaneous medical records reviewed by which would provide substantiation of pre-existing sexual dysfunction prior to the injury to the back on April 14, 2015. Therefore, it would be speculative to consider this as a pre-existing component of injury.

The reports of Dr. Mark Anderson and Dr. Larry Woodcox both indicate that the Applicant had previous permanent partial disability to his left foot and ankle and right foot and ankle, based on post-surgical conditions associated with being pigeon-toed and club-footed at birth, which was found to be labor disabling based on the Applicant's testimony that he wore special boots in order to work, and had to take time off to treat his pre-existing condition. Permanent impairment for this pre-existing disability was rated at 6% for each foot/ankle unadjusted, with 7% for the right foot and ankle and 7% for the left foot and ankle, when the DFEC adjustment is included, when considered alone and without regard to or adjusted for Applicant's occupation and age. Both doctors note evidence of the prior surgical procedures to both the Applicant's feet and ankles, but because these surgical procedures were conducted during Applicant's childhood the contemporaneous medical records for these procedures are no longer available to review, but the current evaluators have established that the procedures occurred based on the evidence of surgical procedures and remaining impairment to the Applicant's feet and ankles. This is sufficient to establish the prior disabling condition.

The Applicant also had previous permanent partial disability to his right knee, from an industrial injury on June 29, 2013, which was labor disabling and which was assessed with a permanent impairment rating at 2% unadjusted, remaining at 2%, when the DFEC adjustment is included, when considered alone and without regard to or adjusted for Applicant's occupation and age. There are contemporaneous medical reports substantiating this injury, as well.

Considering Applicant's assessment of permanent impairment by adding the disability associated with the subsequent injury on April 14, 2015, resulting in 24% permanent impairment, and adding the prior psyche impairment of 71%, and the prior right foot and ankle impairment of 7%, the prior left foot and ankle impairment of 7%, the right knee impairment of impairment of 2%, and the sleep impairment of 15%, this results in a permanent impairment total of 126% (24 + 71 + 7 + 7 + 2 + 15 = 126), which exceeds the required 70% impairment for entitlement to benefits from the Subsequent Injuries Benefit Trust Fund. Based on the evidence presented it was determined that the Applicant's combined total permanent disability exceeds the threshold to qualify for receipt of the additional benefits from the Subsequent Injury Benefit Trust Fund. The entitlement to benefits would be limited to permanent total disability of 100% permanent disability, and payable at a rate of \$1,103.29 per week, commencing March 2, 2017, and subject to SAWW adjustments on the first day of each year commencing 1/1/2018, less attorney's fees of 15% and less credit for permanent disability awards and attorneys' fees paid previously in conjunction with the April 14, 2015 and June 29, 2013, industrial injuries.

Attorney's Fees

Attorney's fees based on 15% of the total award of additional benefits, in an amount to be determined by the parties, is found reasonable based on the WCAB Rules of Practice and Procedure.

Lori Alison Holmes
PRESIDING WORKERS' COMPENSATION JUDGE

Date: 11/6/2023