WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

FREDDY KEIAHO, ***Applicant***

vs.

INDIANAPOLIS COLTS; GDIC/BERKLEY ENTERTAINMENT; JACKSONVILLE JAGUARS; ACE/QUAL-LYNX, ***Defendants***

Adjudication Number: ADJ8124831
San Diego District Office

OPINION AND ORDER GRANTING PETITION FOR RECONSIDERATION AND DECISION AFTER RECONSIDERATION

Defendant Indianapolis Colts (Colts) seek reconsideration of the March 23, 2026 Findings and Award (F&A), wherein the workers' compensation administrative law judge (WCJ) found that applicant, while employed as a professional athlete, by the Indianapolis Colts and Jacksonville Jaguars, sustained injury arising out of and in the course of employment to his neck, back, bilateral shoulders, bilateral hips, bilateral arms, bilateral knees, bilateral ankles, bilateral legs, bilateral feet, elbows, hands, fingers, toes, jaw, psychiatric injury, headaches, and sleep disorder. The WCJ found that applicant sustained 76 percent permanent partial disability as a result of his industrial injuries. The WCJ further determined that the one-year liability period for applicant's industrial injury was August 13, 2009 to August 13, 2010.

Defendant Colts contend that the WCJ improperly relied on reporting from applicant's consulting physician, Dr. Einbund, whose reporting does not constitute substantial evidence. The Colts further contends that the liability period should run from December 1, 2009 to December 1, 2010.

We have received an Answer from applicant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's Report, which we adopt and incorporate, and for the reasons discussed below, we will grant reconsideration to amend the Findings of Fact to include the date of injury pursuant to Labor Code[1] section 5412, but otherwise affirm the F&A.

FACTS

Applicant claimed injury to his head, brain, jaw, neck, teeth, back, psyche, bilateral shoulders, bilateral hips, bilateral arms, bilateral knees, bilateral ankles, bilateral legs, bilateral feet, elbows, hands, fingers, toes, and sleep disturbance while employed as a professional athlete from April 15, 2006 to December 1, 2010, by the Indianapolis Colts and the Jacksonville Jaguars. Defendants deny injury arising out of and in the course of employment.

The parties obtained reporting from Qualified Medical Evaluators (QMEs) David Amory, M.D. (orthopedic surgery), Ben Mandel, DDS (dentistry), Bijan Zardouz, M.D. (neurology), and Katalin Bassett, M.D. (psychiatry). Applicant further selected treating physician Michael Einbund, M.D., in orthopedic medicine.

The parties originally proceeded to trial on September 16, 2019, and raised for decision multiple issues including, in relevant part, whether the Workers' Compensation Appeals Board (WCAB) has the jurisdiction to hear and decide applicant's claim. As relevant to these proceedings, the parties stipulated that applicant, "while employed during the periods April 15, 2006 through December 1st, 2010, with the last exposure being August 13th, 2010, as a professional athlete, Occupational Group No. 590, by Indianapolis Colts and Jacksonville Jaguars, claims to have sustained injury arising out of and in the course of employment …." (Transcript of Proceedings, dated September 16, 2019, at p. 4:23.)

On November 18, 2019, the WCJ issued a decision finding the court lacked subject matter jurisdiction over the claimed injury. (Finding of Fact No. 4.) Applicant thereafter sought reconsideration.

[1] All further references are to the Labor Code unless otherwise noted.

On May 16, 2024, we determined that the WCAB has subject matter jurisdiction over the claimed cumulative injury and deferred all other issues. We returned the matter to the trial level for further proceedings. (Opinion and Decision After Reconsideration, dated May 16, 2024.)

On June 4, 2025, the parties returned to trial. The parties again stipulated that applicant "during the period April 15, 2006, through December 1, 2010, with the last exposure being August 13, 2010, as a professional athlete, Occupational Group No. 590, by Indianapolis Colts and the Jacksonville Jaguars, claims to have sustained injury arising out of and in the course of employment." (Minutes of Hearing, dated June 4, 2025, at p. 2:4.) The parties placed in issue, in relevant part, whether applicant sustained injury arising out of and in the course of employment, parts of body injured, permanent disability, apportionment, the need for further medical treatment, issues related to section 5500.5,[2] the date of injury under section 5412, and the last date of industrial exposure with the Jacksonville Jaguars. (*Id.* at p. 2:18.) Neither party offered new medical or testimonial evidence. The WCJ ordered the matter submitted for decision the same day.

On March 23, 2026, the WCJ issued the F&A, determining in relevant part that applicant sustained industrial injury resulting in 76 percent permanent partial disability. (Findings of Fact No. 7.) The WCJ also determined the one-year period of liability to be August 13, 2009 to August 13, 2010. (Findings of Fact No. 9.) In her Opinion on Decision, the WCJ explained that she found the reporting of treating physician Dr. Einbund to be the more persuasive and well-reasoned. The WCJ also noted that the period of liability under section 5500.5 was the earlier of the date of injury or the last date of injurious exposure. The date of injury under section 5412 was March 15, 2012, while the date of last injurious exposure was August 13, 2010. Accordingly, the section 5500.5 period of liability was thus fixed as the one year preceding the earlier of two dates, or August 13, 2009 to August 13, 2010. (Opinion on Decision at pp. 15, 21.)

The Colts Petition contends the WCJ improperly relied on reporting from Dr. Einbund in violation of the medical-legal procedures set forth in the section 4060 through 4062.2. (Petition, at p. 3:13.) The Colts also assert that the reporting of Dr. Einbund is not substantial evidence, that the physician improperly merges multiple specific dates of injury into a cumulative injury and fails to apportion between these specific dates of injury. (*Id.* at p. 5:5.) The Colts also contend that the only permissible dates to fix the one-year period of liability under section 5500.5 are the ending

[2] The Minutes place in issue "Labor Code section 5100.5," which appears to be typographical error.

date of employment or the date of injury, and that the August 13, 2010 date used in the F&A is neither.

Applicant's Answer observes that defendants both denied liability for applicant's claim of injury and that applicant was free to self-procure treatment with a physician of his choosing. (Answer, at p. 1:25.) Applicant also asserts that the permanent disability commencement date should be October 24, 2012, based on the reporting of Dr. Einbund. (*Id.* at p. 2:16.)

The WCJ's Report observes that defendants' denial of liability allowed applicant to choose his own treating physician and that the reporting of Dr. Einbund constitutes substantial medical evidence including a thorough assessment of each of the claimed body parts. (Report, at p. 4.) The WCJ thus found the reporting of Dr. Einbund to be the more persuasive and well-reasoned. The Report also observes that the determination of the liability period under section 5500.5 was a result of the parties' stipulations as to the last date of injurious exposure. Accordingly, the WCJ recommends we deny reconsideration. (*Id.* at p. 5.)

DISCUSSION

I.

Former section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

> (a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.
>
> (b)
>
> (1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.
>
> (2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under

Event Description is the phrase "Sent to Recon" and under Additional Information is the phrase "The case is sent to the Recon board."

Here, according to Events, the case was transmitted to the Appeals Board on April 8, 2026, and 60 days from the date of transmission is Sunday, June 7, 2026. The next business day that is 60 days from the date of transmission is Monday, June 8, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[3] This decision is issued by or on June 8, 2026, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on April 8, 2026, and the case was transmitted to the Appeals Board on April 8, 2026. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by section 5909(b)(1) because service of the Report in compliance with section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on April 8, 2026.

II.

Section 5500.5 provides that liability for occupational disease or cumulative injury claims "shall be limited to those employers who employed the employee" in the one-year period "immediately preceding either the date of injury, as determined pursuant to Section 5412, or the last date on which the employee was employed in an occupation exposing him or her to the hazards of the occupational disease or cumulative injury, whichever occurs first." (Lab. Code, § 5500.5(a).)

[3] WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

> Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers' Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

The statute thus sets the liability period among multiple employers during a claimed cumulative injury (§ 5500.5, subd. (a)), and in addition, provides specific dispensation for an employee election against a single employer during the claimed cumulative injury (§ 5500.5, subd. (c)), and for the liable employer to seek contribution from other employers (§ 5500.5, subd. (e)).

Accordingly, a determination of the period of liability requires identification of both the section 5412 date of injury and the "last date on which the employee was employed in an occupation exposing him or her to the hazards of the occupational disease or cumulative injury, whichever occurs first." (Lab. Code, § 5500.5(a).)

Here, the parties have placed the section 5412 date in issue, and the WCJ's Opinion on Decision engages in a corresponding analysis. The WCJ observes that the date of injury in cumulative injury cases is the "date upon which the employee first suffered disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment." (Lab. Code, § 5412.) The WCJ observes that the March 15, 2012 reporting of Dr. Einbund was the first medical evidence in the record identifying and substantiating a cumulative injury and also establishing the existence of disability arising therefrom. (Report, at p. 15; see also *City of Fresno v. Workers' Comp. Appeals Bd. (Johnson)* (1985) 163 Cal.App.3d 467, 471 [50 Cal.Comp.Cases 53]; *Nielsen v. Workers' Comp. Appeals Bd.* (1985) 164 Cal.App.3d 918 [50 Cal.Comp.Cases 104]; *State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (Rodarte)* (2004) 119 Cal.App.4th 998, 1005 [59 Cal.Comp.Cases 579].))

While we agree with the WCJ's analysis, we also observe that there is no corresponding Finding of Fact in this regard. Inasmuch as the section 5412 date is a necessary component to the analysis of the section 5500.5 liability period, we will grant reconsideration for the limited purpose of amending the F&A to include the section 5412 date of injury of March 15, 2012.

Turning to the section 5500.5 period of liability, the parties have stipulated that the last date of injurious exposure was August 13, 2010. (Report, at p. 21; Transcript of Proceedings, dated September 16, 2019, at p. 4:23; Minutes of Hearing, dated June 4, 2025, at p. 2:4.) Because the last date of injurious exposure occurred prior to the section 5412 date of injury of March 15, 2012, the WCJ has concluded that the period of liability under section 5500.5 is the one-year period prior to August 13, 2010. (Report, at pp. 4-5.)

Defendant's Petition contends that irrespective of their stipulation regarding the last date of injurious exposure, the appropriate period of liability attaches to the last date of *employment* in

the job in which applicant had injurious exposure, rather than the last date of injurious exposure. (Petition, at p. 6:3.) Thus, the Colts assert that "[f]inding liability to rest at a date which is neither the ending date of employment nor the ending date for the date of injury is not statutorily allowed." (*Id.* at p. 6:13.)

The relevant provisions of section 5500.5(a) at issue require that we determine "the last date on which the employee was *employed in an occupation exposing him or her to the hazards* of the occupational disease or cumulative injury." (Lab. Code, § 5500.5(a).) The language of the statute thus requires identification of the last date on which applicant was subject to the hazards of a particular occupation. The interpretation of section 5500.5 advanced by the Colts herein would effectively uncouple the contemporaneous employment and hazardous exposure requirements, such that the last date of employment would trigger the liability period irrespective of whether applicant was being exposed to the hazards of the employment at the time. Such an interpretation would allow for a period of liability to be established potentially months or years after the last date of injurious exposure, depending on the length of applicant's employment subsequent to industrial injury. We believe this is inconsistent with the plain language of section 5500.5(a). Moreover, the California Court of Appeal has underscored the necessary link between employment and injurious exposure in the enactment of section 5500.5. In *Scott v. Workers' Comp. Appeals Bd.* (1983) 139 Cal.App.3d 98, 106 [48 Cal.Comp.Cases 65], the Court observed that inasmuch as "section 3600 requires as a condition of compensation that an injury be proximately caused by the employment … we find no indication that the Legislature intended to eliminate the causation requirement when it amended section 5500.5." We thus agree with the WCJ that the triggering event for purposes of section 5500.5(a) was the earlier of either the date of injury under section 5412 or the last date in which applicant's employment exposed him to the hazards contributing to his injury.

In addition, the WCJ has appropriately relied upon the stipulations of the parties that the last date of injurious exposure was August 13, 2010. (Report, at p. 5; Transcript of Proceedings, dated September 16, 2019, at p. 4:23; Minutes of Hearing, dated June 4, 2025, at p. 2:4.) Stipulations are generally 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.* (2000) 77 Cal.App.4th 1114, 1121 [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*, 77 Cal.App.4th at p. 1119.) Here, no party asserts good cause to withdraw from the stipulation as to the last date of injurious exposure and we identify none in the record.

Accordingly, we discern no error in the WCJ's reliance on the last date of injurious exposure of August 13, 2010 as stipulated by the parties, and decline to disturb the WCJ's determination of the corresponding period of liability under section 5500.5 of August 13, 2009 to August 13, 2010. (Lab. Code, § 5500.5(a).)

Defendant also contends the reporting of primary treating physician (PTP) Dr. Einbund is inadmissible in evidence because applicant's nomination of the physician to act as PTP was pretextual and obtained to circumvent the requirements of section 4060 to 4062.2. (Petition, at p. 3:13.) We agree with the WCJ's observation, however, that inasmuch as all defendants herein wholly denied liability for applicant's claim, including the provision of medical care, applicant was free to select a physician of his choosing. (Report, at p. 3.) The WCJ has carefully weighed the reporting of both applicant's PTP and the parties' QMEs and has comprehensively discussed the reasons why the reporting of Dr. Einbund was deemed substantial medical evidence. The WCJ has further determined the PTP report to be the more persuasive and well-written medical opinion in evidence. (Opinion on Decision, at pp. 5-9; see *Jones v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 476, 479 [33 Cal.Comp.Cases 221] [WCAB may choose among conflicting medical reports those which it deems most persuasive].) Following our independent review of the entire record, we find no reason to disturb the WCJ's careful weighing of the evidence in this regard.

In summary, we concur with the WCJ's assessment of the medical reporting and reliance on the reporting of Dr. Einbund. We further concur with the WCJ's application of the parties' stipulation regarding the last date of injurious exposure to identify the period of liability under section 5500.5(a). We grant reconsideration solely to amend the Findings of Fact to include Findings of Fact No. 6(a), that the date of injury pursuant to section 5412 was March 15, 2012.

For the foregoing reasons,

IT IS ORDERED that reconsideration of the decision of March 23, 2026 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the March 23, 2026 Findings and Award is **AFFIRMED** except that it is **AMENDED** as follows:

FINDINGS OF FACT

* * *

6(a). The date of injury pursuant to Labor Code section 5412 was March 15, 2012.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 8, 2026

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

FREDDY KEIAHO
LAW OFFICES OF MARK SLIPOCK
BOBER PETERSON & KOBY
GOLDBERG SEGALLA

SAR/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

INTRODUCTION

Defendant, Indianapolis Colts, has filed a timely, verified, petition for reconsideration, on the standard statutory grounds, from the trial court's March 23, 2026, Findings and Award, pleading that:

1) That by the order, decision, or award made and filed by the appeals board or the workers' compensation judge, the appeals board acted without or in excess of its powers. [Labor Code section 5903(a)].
2) That the evidence does not justify the findings of fact. [Labor Code section 5903(c)].
3) That the findings of fact do not support the order, decision, or award. [Labor Code section 5903(e)].

FACTS

Applicant, Freddy Keiaho, born [], while employed during the period April 15, 2005 through December 1, 2010, with the last exposure being August 13, 2010, as a professional athlete, occupational group number 590, by Indianapolis Colts and Jacksonville Jaguars, claimed to have sustained injury arising out of and in the course of employment to head, brain, jaw, neck, teeth, back, psyche, bilateral shoulders, bilateral hips, bilateral legs, bilateral arms, bilateral knees, bilateral ankles, bilateral feet, bilateral wrists, bilateral elbows, bilateral hands, fingers, toes, and sleep disturbance.

Applicant played for the Indianapolis Colts from August 20, 2006 through March 4, 2010 and the Jacksonville Jaguars from March 31, 2010 through March 31, 2011.

Applicant filed his original application for adjudication on August 25, 2011 with an amended application on March 11, 2015. The matter was first set for trial on July 15, 2019, with the trial continuing until September 16, 2019. A Findings and Order issued November 15, 2019. Parties filed a Petition for Reconsideration and the undersigned issued her Report and Recommendation. The Board granted the petition for further study and did not issue their final Opinion and Decision after Reconsideration until May 16, 2024, wherein it was determined that

jurisdiction should be exercised over this matter. In addition, further development of the record needed to occur. Newly aggrieved parties filed Petitions for Reconsideration. However, the Board denied such petitions and the matter was set back to status conferences, a mandatory settlement conference, and other trial settings. The matter was submitted, rescinded, re-submitted with a final Findings and Award issuing on March 23, 2026. It is from this final Findings and Award Defendant, Indianapolis Colts filed a timely petition for reconsideration.

DISCUSSION

THIS WCJ DID NOT IMPROPERLY RELY ON REPORTING FROM DR. EINBUND

There is no dispute both defendants in the current matter denied applicant's claim for industrial injury. (Defendant's Joint Exhibit 113) Based on this undisputed fact, applicant had a right to choose his own treating physician. In this case, he chose to treat with Dr. Einbund. As such, Dr. Einbund has titled and served his reports as the primary treating physician. (Applicant's Exhibits 1-3) Defendant had every right and opportunity to accept this claim and control the medical treatment in this matter, they did not. Even after the WCAB found that jurisdiction should be exercised over this matter, defendant chose to keep the status of the underlying claim in a denied status, which is their right. However, this allowed applicant to treat with Dr. Einbund. Case law has clearly established the employer does not have the right to direct an employee's medical care within the MPN while denying applicant's claim. (See Barrett Business Services, Inc., dba Manning Foods v. WCAB (Desiderio) (2008) 74 CCC 49 (writ denied)). When a defendant denies liability, they relinquish their control to direct medical treatment, and they may no longer require the applicant to treat within the MPN.

DR. EINBUND'S REPORTING HAS PROPERLY BEEN FOUND TO BE SUBSTANTIAL EVIDENCE

It is undisputed that an applicant can request and have a treating physician author a medical-legal report regarding disputed issues. The applicant in this case took such opportunity and had Dr. Einbund right such report. As stated in the Opinion on Decision, the Court has held that a WCJ may rely upon the opinion of one physician even if it is inconsistent with the reports of other examining physicians. "We recognize at the outset these two well-settled principles: (1)

factual determinations of the board must be upheld if there is substantial evidence in their support and the relevant and considered opinion of one physician, though inconsistent with other medical opinions, may constitute substantial evidence (*Jones v. Workmen's Comp. App. Bd.* (1968) 68 Cal.2d 476, 478-479 [67 Cal.Rptr. 544, 439 P.2d 648]; *Standard Rectifier Corp. v. Workmen's Comp. App. Bd.* (1966) 65 Cal.2d 287, 292 [54 Cal.Rptr. 100, 419 P.2d 164]; *Fred Gledhill Chevrolet v. Industrial Acc. Com.* (1964) 62 Cal.2d 59, 61 [41 Cal.Rptr. 170, 396 P.2d 586]);" *Smith v. Workers' Comp. Appeals Bd.*, 71 Cal. 2d 588, 592, 455 P.2d 822, 825, 78 Cal.Rptr. 718, 721, 1969 Cal. LEXIS 274, 34 Cal. Comp. Cases 424

In the case at hand, the WCJ found the reporting of Dr. Einbund to be substantial medical evidence and gave his findings great weight. In contrast, Dr. Amory's did not rise to the level of substantial medical evidence as his reporting failed to address causation appropriately. For example, although Dr. Amory discussed the multiple body parts alleged, under his Causation section he broadly wrote "the patient's orthopedic injuries do appear to be causally related to repetitive trauma." (Defendant's Joint Exhibit 123, page 42) In contrast, Dr. Einbund, had appropriately addressed each alleged body part such that this WCJ found the applicant suffered industrial injury to the following orthopedic body parts; neck, back, bilateral shoulders, bilateral hips, bilateral arms, bilateral knees, bilateral ankles, bilateral legs, bilateral feet, elbows, hands, fingers, and toes.

As a caveat, when this matter returned to the trial level after the first time this matter proceeded to the Board for the first Petition for Reconsideration, the parties were given the opportunity to further develop the record as there had been quite a delay between the first trial and proceeding to trial on all issues. The parties were given the opportunity to obtain further medical reporting. All parties had the opportunity to obtain supplemental reporting from their respective experts. If there had been further questions that the parties felt needed to be addressed, there was ample opportunity to do so; in fact there were years to do so.

THE LIABILITY PERIOD HAS BEEN CORRECTLY ESTABLISHED UNDER LABOR CODE §550[0].5 AND WITH THE PROPER DATE OF INJURY DETERMINED UNDER LABOR CODE §5412

Defendant contends that the liability period is incorrectly established, arguing that there is no legal basis for determining a liability period from August 13, 2009, thorough August 13, 2010,

stating that such date is neither the ending date of employment nor the ending date for the date of injury. However, this is not correct. Applicant's last date of industrial exposure was August 13, 2010, which is a stipulated fact between the parties. This is found in the Stipulations section of the Pre-Trial Conference Statement (EAMS DOC ID 55825392), the MOH/SOE under "The Following Facts are Admitted section, page 2, lines 5-6, as well as the Factual Background in the Opinion on Decision which no party has disputed or requested to be amended. Based on such representations to the Court, the undersigned determined the last date of industrial exposure was August 13, 2010, wherein in accordance with Labor Code §5500.5, liability for applicant's industrial injury is from August 13, 2009-August 13, 2010.

RECOMMENDATION

It is recommended that reconsideration be denied.

DATE: April 8, 2026

Alicia D. Hawthorne
Workers' Compensation
Administrative Law Judge