

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

REYNALDO BAUTISTA, *Applicant*

vs.

**QUEST DIAGNOSTICS, INC.; TRAVELERS PROPERTY AND CASUALTY
COMPANY OF AMERICA, *Defendants***

**Adjudication Number: ADJ7904460
Oxnard District Office**

**OPINION AND ORDER
DENYING PETITION FOR RECONSIDERATION**

Applicant seeks reconsideration of a workers' compensation administrative law judge's (WCJ) Findings and Orders of January 14, 2022 wherein it was found that applicant did not sustain industrial injury while employed as a clinical laboratory scientist during a cumulative period ending on March 15, 2011. The WCJ thus ordered that applicant take nothing by way of his workers' compensation claim. As relevant to the instant Petition for Reconsideration, in this matter, applicant claimed that he sustained a cumulative injury in the form of hypertension and to the psyche. Applicant argued that an industrial hypertension injury contributed to a subsequent stroke.

Applicant contends that the WCJ erred in not finding industrial injury in the form of hypertension and to the psyche. We have not received an answer and the WCJ has filed a Report and Recommendation on Petition for Reconsideration. As explained below, we will deny the applicant's Petition.

With regard to the issue of industrial injury in the form of hypertension, applicant was evaluated by qualified medical evaluator internist James F. Lineback, M.D. and treating internist Arthur E. Lipper, M.D.

Applicant told Dr. Lineback that his job became very stressful during the last seven years of his employment (June 19, 2014 report at p. 2) and attributed his hypertension to this job stress. While Dr. Lineback opined that applicant's stroke was caused by hypertension (June 19, 2014 report at pp. 31-32) and that stress could contribute to hypertension (June 19, 2014 report at pp.

32), in this case, Dr. Lineback noted that applicant's hypertension predated his job stress (June 19, 2014 report at p. 32.) Dr. Lineback wrote:

As stated previously, this patient has a number of risk factors for stroke, including hypertension, diabetes, history of smoking and high cholesterol. Virtually all of those risk factors would be considered nonindustrial, since the patient's hypertension and diabetes both predated the time that his job became moderately to severely stressful (in approximately 2004). Therefore, it is medically probable that his nonindustrial hypertension was a primary causative factor in the pathogenesis of his stroke due to left cerebellar hemorrhage. Since his hypertension was nonindustrial, it would follow that his stroke would also be considered nonindustrial. Therefore, both the patient's hypertension and his stroke would be considered nonindustrial.

(June 19, 2014 report at p. 32.)

Dr. Lipper agreed that applicant had preexisting hypertension, but opined that work stress contributed to applicant's hypertension and eventual stroke because applicant continued to have elevated blood pressure readings even after being placed on multiple medications. (August 3, 2014 report at p. 4.) "My analysis of this situation demonstrates a history of controlled hypertension leading into this period of work-related stressors. Mr. Bautista's blood pressure then began to increase to a point that he had multiple Stage I-Stage II blood pressure reading despite the use of multiple antihypertensive medications. This therefore represents a further aggravation/acceleration of Mr. Bautista's preexisting hypertensive condition." (August 3, 2014 report at p. 3.)

In response, Dr. Lineback explained that applicant's blood pressure was only intermittently aggravated during applicant's high stress period at work (December 17, 2014 deposition at p. 18), that this labile hypertension in long-term hypertensive patients is common regardless of job stress (December 17, 2014 deposition at p. 15), and that nonindustrial factors such diabetes and a history of smoking affect the medications' ability to control the hypertension (December 17, 2014 deposition at p. 16). Dr. Lineback also testified that the fact that the stroke took place after applicant's retirement was another factor in favor of finding the hypertension nonindustrial. (December 17, 2014 deposition at p. 20.)

While applicant asks us to reject Dr. Lineback's findings and adopt the finding of Dr. Lipper, the relevant and considered opinion of one physician, though inconsistent with other medical opinions, may constitute substantial evidence. (*Le Vesque v. Workmen's Comp. Appeals*

Bd. (1970) 1 Cal.3d 627, 639 [35 Cal.Comp.Cases 16].) The WCJ is empowered to choose among conflicting medical reports and rely on those deemed most persuasive. (*Jones v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 476, 479 [33 Cal.Comp.Cases 221].) There is nothing in the record compelling enough for us to reject the WCJ's determination that the opinions of Dr. Lineback were more persuasive than the opinions of Dr. Lipper. Thus, we do not disturb the WCJ's finding that applicant failed to prove industrial injury in the forms of hypertension or stroke.

With regard to the issue of injury to the psyche, as admitted in the Petition for Reconsideration (pp. 5-6), neither qualified medical evaluator psychiatrist Adel Mostafavi, M.D. nor treating psychologist Heath Hinze, Psy.D. found direct injury to the psyche. Rather, any injury to the psyche was a consequence of applicant's stroke. Since, as noted above, applicant's stroke was nonindustrial, any psychiatric injury was also nonindustrial.

Although applicant seeks further development of the medical record, as noted by the WCJ, resolution of this case was already delayed multiple times for further development of the record, and applicant does not identify in his Petition what further discovery is warranted. Accordingly, we will deny the applicant's Petition.

For the foregoing reasons,

IT IS ORDERED that Defendant's Petition for Reconsideration of the Findings and Orders of January 14, 2022 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ DEIDRA LOWE, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 11, 2022

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

**REYNALDO BAUTISTA
RAMIN R. YOUNESSI
ALTMAN & BLITSTEIN**

DW/oo

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