

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

MARIA LOPEZ, *Applicant*

vs.

**SPRINGS GLOBAL, US, INC.; TRAVELERS PROPERTY CASUALTY;
COMPANY OF AMERICA, *Defendants***

**Adjudication Number: ADJ11200520, ADJ12140721
Los Angeles District Office**

**OPINION AND ORDER
CORRECTING CLERICAL ERROR**

It has come to the Appeals Board's attention that its decision issued on December 4, 2025 contains a clerical error in that the findings state that the period of cumulative injury in ADJ11200520 was September 5, 2024 through January 24, 2018, when the period of cumulative injury was September 5, 2014 through January 24, 2018. We will correct this clerical error by virtue of this order, without granting reconsideration as such errors may be corrected without further proceedings at any time. (*Toccalino v. Worker's Comp. Appeals Bd.* (1982) 128 Cal.App.3d 543, 558 [47 Cal.Comp.Cases 145]; see also 2 Cal. Workers' Comp. Practice (Cont. Ed. Bar, March 2018 Update) Supplemental Proceedings, § 23.74, p. 23-76.)

Accordingly, we now issue this Order correcting this clerical error and substituting the correct period of cumulative injury.

For the forgoing reasons,

IT IS ORDERED that the clerical error of stating that the period of cumulative injury in ADJ11200520 was September 5, 2024 through January 24, 2018 in the findings of fact of the Opinion and Decision After Reconsideration issued on December 4, 2025 is **CORRECTED** as follows:

FINDINGS OF FACT

1. In ADJ11200520, applicant sustained cumulative trauma injury to her neck, back, shoulders, hands, wrists, and in the form of GERD during the period of September 5, 2014 through January 24, 2018.

3. In ADJ11200520, applicant did not sustain cumulative trauma injury to the psyche during the period of September 5, 2014 through January 24, 2018; and

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 5, 2025

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

**MARIA LOPEZ
LAW OFFICES OF TELLERIA, TELLERIA & LEVY, LLP
WOOLFORD & ASSOCIATES
MEDICAL LIEN MANAGEMENT, INC.**

SRO/kl

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

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

MARIA LOPEZ, *Applicant*

vs.

**SPRINGS GLOBAL, US, INC.; TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, *Defendants***

**Adjudication Numbers: ADJ11200520, ADJ12140721
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We previously granted reconsideration in this matter to further study the factual and legal issues.¹ This is our Opinion and Decision After Reconsideration.

Applicant seeks reconsideration of the Findings and Orders (F&O) issued on November 24, 2021, wherein the workers' compensation administrative law judge (WCJ) found that (1) applicant, while employed by defendant as a utility worker/operator, did not sustain an injury arising out of and in the course of employment (AOE/COE) on September 3, 2016 (ADJ12140721); and did not sustain a continuous trauma injury during the period from September 5, 2014 to January 24, 2018 (ADJ11200520); and (2) attorneys' fees are denied.

The WCJ ordered that applicant take nothing and that the parties adjust the amount of the medical/legal liens and costs.

Applicant contends that the record establishes that she sustained cumulative trauma injury to various body parts during the period of September 5, 2024 through January 24, 2018.

We received an Answer.

We received a Report and Recommendation on Petition for Reconsideration (Report) from the WCJ recommending that the Petition be denied.

¹Commissioner Sweeney is no longer a member of the Workers' Compensation Appeals Board. Commissioner Capurro has been substituted in her place.

We have reviewed the contents of the Petition, the Answer and the Report. Based upon our review of the record, and for the reasons stated below, as our Decision After Reconsideration, we will rescind the F&O and substitute findings that (1) applicant sustained cumulative trauma injury AOE/COE to her neck, back, shoulders, hands, wrists, and in the form of GERD during the period of September 5, 2024 through January 24, 2018; (2) applicant did not sustain specific injury AOE/COE on September 3, 2016; (3) applicant did not sustain cumulative trauma injury to the psyche during the period of September 5, 2024 through January 24, 2018; and (4) all other issues are deferred; and we will return the matter to the trial level for further proceedings consistent with this decision.

BACKGROUND

With respect to applicant's claim that the evidentiary record establishes that she sustained cumulative trauma injury to various body parts during the period of September 5, 2024 through January 24, 2018, the matter came to trial in ADJ11200520 on the following issues:

1. Injury arising out of and in the course of employment.
2. The good faith personnel action defense.
3. Post-termination defense.
4. The 5402 presumption.
5. Occupation code.

(Minutes of Hearing and Order of Consolidation, March 23, 2021, pp. 2:19-23.)

Admitted into evidence were numerous medical reports, including a report dated July 11, 2019 from James Hamada, M.D., who served as an orthopedic Panel Qualified Medical Evaluator (PQME). (Jt. Ex. X.) Dr. Hamada examined applicant, reviewed various medical records and documents, well as applicant's deposition testimony, and concluded, , in pertinent part, the following:

CLINICAL IMPRESSIONS:

1. Cervical spine sprain/strain with subjective radiculopathy.
2. Significant C6/C7 5-6mm HNP with severe spinal stenosis and cord compression.
3. Impingement syndrome of the left shoulder.
4. Right carpal tunnel syndrome, per NCV study performed on August 2, 2019, currently asymptomatic.
5. Left wrist/hand pain with clinical symptoms of left carpal tunnel syndrome.
6. Lumbosacral spine sprain/strain with subjective left-sided sciatica, superimposed upon spondylosis.

7. Left trochanteric bursitis.

DISCUSSION:

...

The patient began to experience the onset of pain to her left shoulder and left hand, sometime in 2015 . . .

She began working for the above noted employer as a Warehouse Worker in 2014. She worked 8 to 12 hours per day, 5 to 6 days a week. Her usual and customary job duties included using a machine to fill pillows. She would remove material from boxes, place tickets on pillows and label bags. She was required to lift and carry boxes, which weighed up to 20 pounds.

Ms. Maria Lopez-Garcia sought medical treatment at Kaiser, on a private basis. She was examined, X-ray studies were obtained and medication was prescribed. She states that in 2015, she slipped on a piece of cotton and fell. Her legs split open and she landed onto her buttocks, experiencing immediate pain to her low back. She reported the injury to her employer, but was not referred for medical treatment. She continued to work with ongoing pain. She last worked for the above noted employer on January 21, 2017, at which time, she was laid off.

...

Ms. Lopez-Garcia subsequently sought legal counsel and was referred to Archie R. Mays, M.D. on February 21, 2018. She was examined, X-ray studies were obtained and medication was prescribed. She received physical therapy, acupuncture and chiropractic treatment, directed to the left shoulder, left hand and low back, with no benefit noted. She underwent MRI studies of the left shoulder, left hand and low back, but is unaware of the results. He is currently pending neurodiagnostic testing of the lower extremities. She began working with Delta on April 26, 2019.

...

After careful review of the available medical records, I believe there is sufficient evidence to support industrial causation in this matter.

The patient has not yet reached a level of maximum medical improvement. She currently requires referral to a Board-Certified Orthopedic or Neurosurgeon for evaluation of large 5-6mm HNP at the C6/C7 level with severe spinal stenosis and cord compression.

...

DISABILITY STATUS:

The patient has not yet reached a level of maximum medical improvement, and should be afforded the opportunity to receive further treatment as outlined above.

CAUSATION AND APPORTIONMENT:

It is my opinion that this injury appears to have occurred in the course and scope of her employment. Based on review of the submitted medical records, the history of injury as related by the patient and my physical examination, I believe there is reasonable medical probability to support industrial causation to the cervical spine,

left shoulder, bilateral wrists/hands and lumbar spine as a result of cumulative trauma while performing her usual and customary work duties for the above noted employer (AOE/COE).
(*Id.*, pp. 20-22.)

The parties also submitted, and the WCJ entered into evidence, the September 25, 2020 medical report of the internal medicine PQME Joselyn Bailey, M.D., dated September 25, 2020. (Jt. Ex. Y.) Dr. Bailey's report states, in pertinent part:

HISTORY OF PRESENT ILLNESS

September 5, 2014 - She started working at Springs Global. Springs Global is a pillow manufacturing factory in the City of Commerce. She was a hand packer. Her hours were from 6:00 a.m. to 2:30 p.m. with breaks for lunch. The environment was indoors and no uniform was required. She worked 8 hours a day for six days a week. About 12 other employees worked in that location. On arrival at work, she would start a 2-hour rotation, filling shelves with foam. After 2 hours, she would start another rotation such as beating pillows to ensure even distribution of the fibers. Another rotation would consist of inspection to find any damaged pillows.

...

According to her deposition on April 23, 2018, she was standing the whole 8-hour shift. Sometimes, she lifted boxes for 2 hours. The boxes contained cotton light material shells. In one day, she would handle between 1000 to 2000 pillows according to the report of Marvin Pietruszka, M.D., on August 20, 2018. The pillows were of varying sizes and had different weights depending on the size of the bed that the pillows would be used on. Her job required her to perform turning movements of her head and body on a repetitive basis. At times, she was required to kneel, stoop, and squat while picking up boxes of materials.

She would put the box on the conveyor, take the shells out of place, and place them on a board, then move the board to the side where it had to be moved so that another board could be filled with shells. As the foam pieces came out of the machine, she would have to grab the shell and pull it forward. This was in the department called utility workers.

...

Ms. Lopez developed pain in her left hand, shoulders and back, legs, and neck. She developed discomfort in her eyes, nose, and mouth because of the small particles of the pillows. The patient would have to keep her head and neck in a fixed position for a long period of time and do fine manipulation with both hands. Her last day of work there was January 24, 2018.

...

IMPRESSIONS

1. Diabetes mellitus probably secondary to obesity
2. Hypertension, probably related to obesity and the metabolic syndrome

3. Overuse syndrome of the upper extremities involving the cervical spine
4. Central spinal canal stenosis of the cervical spine with muscle spasms
5. Lumbar spine multilevel disc degenerative changes
6. Wrist mucoid degeneration of the triangular cartilage
7. Tenosynovitis of the extensor carpi ulnaris, large and small subcortical cysts bilaterally including ganglion cyst
8. Adjustment disorder with mixed anxiety and depressed mood
9. Obesity
10. De Quervain's syndrome bilaterally
11. GERD
12. Sleep disturbance
- ...

CAUSATION

...

Her diagnoses were overuse syndrome of the cervical spine, sprain/strain, lumbar spine sprain/strain, lumbar right lower extremity, clinical lumbar radiculopathy, right wrist de Quervain's stenosing tenosynovitis, left wrist mild de Quervain's disease, and trigger finger of the left hand. There were ganglion cysts in both hands. She had developed gastric distress related to the medications. It is medically reasonably probable that all of these disorders were AOE/COE. (*Id.*, pp.. 3-4,10-12.)

The WCJ admitted an exhibit entitled Transcript of the Deposition of Dr. Hamada dated November 2, 2020, into evidence. (Jt. Ex. V.) Dr. Hamada's testimony therein includes the following:

Q. -- [Y]ou believed there was industrial causation to the cumulative trauma for the neck -- where is it -- neck, shoulders -- I'm sorry. Neck - I long for the days when I had --

A. I stated that there was reasonable medical probability to support industrial causation to the cervical spine, left shoulder, bilateral wrist and hands, and lumbar spine as a result of cumulative trauma while performing her usual and customary work duties for the above-noted employer.

Q. Okay. Thank you. Now, Doctor, you reviewed the applicant's deposition transcripts on pages 9 through 13 of your July 2019 report. In her deposition, going -- I'm going to go to those pages, okay. Page 9, in her deposition, Volume 1.

A. Yes.

...

Q. Well, in her deposition she testified that she had been in a relationship that was physically abusive for quite a number of years. I'm finding that deposition testimony that you review, I believe is, let's see --

A. Are you speaking about the physically abusive --

Q. Right.

A. -- exposure that she had living with the father of her children?

Q. Yes, yes. And she testified he had been hitting her with his hands twice or three times a week for almost -- or for most of the 30 years that she was with him, correct?

A. Yes.

...

Q. Okay. Let me ask you, Doctor, after pointing out that the applicant had a longstanding history of physical abuse, and the - that the fact that she also crocheted and cross-stitched, which is fine finger manipulation and repetitive use of her upper extremities, is it still your opinion within reasonable medical probability that the applicant has sustained a orthopedic cumulative trauma?

A. She has a very significant abnormality of the cervical spine and lumbar spine on diagnostic studies. And the etiology of the pathology in the cervical spine and lumbar spine is usually of traumatic nature. The length of time or the onset of trauma is indeterminate....

Q. So I guess, with everything that's been pointed out to you today, I mean, can you still within reasonable medical probability find that the applicant sustained a cumulative trauma, or -- I guess that's my question. Can you say within reasonable medical probability that the applicant has sustained cumulative trauma at Spring Global?

A. Based on the information provided to me so far, I would say that there is sufficient medical evidence to state that she does -- she had incurred some cumulative trauma to the affected areas of her body which had been claimed in the adjudication.

Q. So you're referring still to the neck, the left shoulder, the bilateral hands and wrists?

A. Yes. And her lower back.

...

Q. So if she was deemed by the trier of fact not to be credible, would that affect your opinion?

A. It would affect it somewhat.

Q. Okay. And then -- how do you mean by "somewhat"?

A. Well, I would have to still consider the totality of her work experience at Springs Global and come to a conclusion as to whether or not it amounted to substantial medical evidence to justify a causation on a cumulative trauma basis. However, your question is rather still somewhat hypothetical, and therefore I cannot give a direct answer.

(*Id.*, pp. 6:1-17, 11:11-23, 15:3-17, 17:1-12.)

In the Report, the WCJ states:

Applicant worked in a pillow factory where her primary duty was to put stuffing in pillows. She testified that the heaviest lifting she performed was up to 25 pounds.

...

Applicant's attorney filed a continuous trauma from 05 September 2014 to 24 January 2018 and a specific injury for 03 September 2016. In the continuous trauma she claims injury to the throat, chest, arms, shoulders, back, elbows, wrists, hands, legs, feet, psyche and groin. In the specific injury claim she claims injury to the hips, back, hand and arm.

The parties then obtained panel qualified medical evaluators (PQME's) in orthopedics, psychiatry and internal medicine. Dr. Hamada reported on the subject of orthopedic surgery. He obtained an MRI which showed cervical spine bulges ranging from 3.3 mm to 4.9 mm with stenosis identified from 9.8 to 12.2 mm. In his report of 19 July 2019, he diagnosed a five to six mm herniation and recommends referral to a Board –certified Orthopedic surgeon or a Neurosurgeon. See Exhibit X, pp. 19 – 23. Dr. Hamada also issued reports on 12 November 2019, 29 December 2020 and 04 January 2021. . . . He was also deposed on 02 November 2020. On pp. pp 11 – 12, when Dr. Hamada admits that this type of neck injury is usually of a traumatic nature, he then stresses the need for referral to a surgeon.

...

With respect to the report of internal PQME, Dr. Bailey finds that applicant's internal complaints are due to the medications she takes for her orthopedic problems.

...

Also, Applicant admitted on cross-examination that her husband beat her two to three times per week. She stated at trial that she did not remember if she was hit in the head, face or back. See Minutes of Hearing of 06 May 2021 at p. 3 lines 1 – 8.

...

Also, the applicant did not make a good witness at trial.

(Report, pp. 2- 5.)

DISCUSSION

Before addressing the merits of the Petition for Reconsideration, we note that applicant does not allege error in the WCJ's findings that she did not sustain specific injury in case number ADJ12140721 or cumulative injury to the psyche in case number ADJ11200520. Since those issues are not raised, they are waived. (See Lab. Code, § 5502(e)(3);² see also *Gould v. Workers' Comp. Appeals Bd.* (1992) 4 Cal.App.4th 1059 [57 Cal.Comp.Cases 157], *Griffith v. Workers' Comp. Appeals Bd.* (1989) 209 Cal.App.3d 1260 [54 Cal.Comp.Cases 145].) Accordingly, we will substitute findings that leave those determinations undisturbed.

Turning to the merits of the Petition, we observe that any decision of the Appeals Board must be supported by substantial evidence. (§ 5952(d); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [30 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) To constitute substantial evidence "... a medical opinion must 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." (*Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 621 (Appeals Board en banc).) "Medical opinion ... fails to support the Board's findings if it is based on surmise, speculation, conjecture or guess." (*Hegglin v. Workmen's Comp. Appeals Bd.* (1971) 4 Cal. 3d 162, 169 [36 Cal.Comp.Cases 93, 97].)

It has long been recognized that medical proof is required when issues of diagnosis, prognosis, and treatment are beyond the bounds of ordinary knowledge. (*City & County of San Francisco v. Industrial Acc. Com. (Murdock)* (1953) 117 Cal.App.2d 455 [18 Cal.Comp.Cases 103]; *Bstandig v. Workers' Comp. Appeals Bd.* (1977) 68 Cal.App.3d 988 [42 Cal.Comp.Cases 114].)

The number and nature of the injuries suffered are questions of fact for the WCJ or the Appeals Board and those facts are to be determined by considering the events leading to the injury, the medical history of the claimant, and the medical reporting received. (*Aetna Cas. & Surety Co.*

² Unless otherwise stated, all further statutory references are to the Labor Code.

v. Workmen's Comp. Appeals Bd. (Coltharp) (1973) 35 Cal.App.3d 329 341 [38 Cal.Comp.Cases 720]; *Western Growers Ins. Co. v. Workers' Comp Appeals Bd. (Austin)* (1993) 16 Cal.App.4th 227, 234–235 [58 Cal.Comp.Cases 323].)

Further, while the Board is empowered on reconsideration to resolve conflicts in the evidence, to make its own credibility determinations, and to reject the findings of the WCJ and enter its own findings on the basis of its review of the record nevertheless, any award, order, or decision of the Board must be supported by substantial evidence in the light of the entire record. (*Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal. 3d 274, 280–281 [39 Cal. Comp. Cases 310] *Garza v. Workmen's Comp. App. Bd.* (1970) 3 Cal. 3d 312, 317 [35 Cal. Comp.Cases 500] *Bracken v. Workers' Comp. Appeals Bd.* (1989) 214 Cal. App. 3d 246, 255 [54 Cal. Comp. Cases 349].)

In this case, Orthopedic PQME Dr. Hamada reported that applicant sustained cumulative trauma injury to the “cervical spine, left shoulder, bilateral wrists/hands and lumbar spine . . . while performing her usual and customary work duties for the above noted employer (AOE/COE).” (Jt. Ex. X, Ortho PQME Report of Dr. Hamada, July 11, 2019, p. 22.) Internal PQME Dr. Bailey reported in turn that applicant sustained injury AOE/COE in the form of GERD as a consequence of medications taken for her orthopedic injuries. (Jt. Ex. Y, Report of Internal PQME Dr. Bailey, September 25, 2020, p. 12.)

Dr. Hamada’s and Dr. Bailey’s reports are framed in terms of reasonable medical probability, not speculative, based on pertinent facts, adequate examination and history, and set forth reasoning in support of their conclusions; and, therefore, constitute substantial medical evidence. (*Escobedo, supra.*) Dr. Hamada’s opinions, moreover, were not altered by the suggestion that physical abuse may have caused applicant’s injury or by the prospect that applicant might be found not credible. (Jt. Ex. V, Transcript of the Deposition of Dr. Hamada, November 2, 2020, pp. 6:1-17:15.)

Since Dr. Hamada’s and Dr. Bailey’s reports—and the evidence on which they relied to prepare them—are uncontroverted, the WCJ was presented with no good reason to reject them. We therefore conclude that applicant sustained injury AOE/COE to her neck, back, shoulders, hands, wrists and in the form of GERD during the period of September 5, 2024 through January 24, 2018. (See *Power v. Workers' Comp. Appeals Bd.* (1986) 179 Cal.App.3d 775, 782 [51

Cal.Comp.Cases 114].) Accordingly, we will substitute a finding that applicant sustained cumulative injury to those body parts.

However, because the WCJ determined that applicant did not sustain cumulative trauma injury, and because the medical reporting shows that applicant is not maximally medically improved, the record remains undeveloped as to defendant's applicable liability defenses, and as appropriate, permanent disability and medical treatment.

The Appeals Board has the discretionary authority to order development of the record when appropriate to provide due process or fully adjudicate the issues consistent with due process. (See *San Bernardino Community Hosp. v. Workers' Comp. Appeals Bd. (McKernan)* (1999) 74 Cal.App.4th 928 [64 Cal.Comp.Cases 986]; *Tyler v. Workers' Comp. Appeals Bd.* (1997) 56 Cal.App.4th 389 [62 Cal.Comp.Cases 924]; *McClune v. Workers' Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117, 1121–1122 [63 Cal.Comp.Cases 261, 264–265].)

Accordingly, we will substitute a finding that all other issues are deferred; and we will return the matter to the trial level for further proceedings consistent with this decision.

Accordingly, as our Decision After Reconsideration, we will rescind the F&O and substitute findings that (1) applicant sustained cumulative trauma injury AOE/COE to her neck, back, shoulders, hands, wrists, and in the form of GERD during the period of September 5, 2024 through January 24, 2018; (2) applicant did not sustain injury AOE/COE on September 3, 2016; (3) applicant did not sustain cumulative trauma injury to the psyche during the period of September 5, 2024 through January 24, 2018; and (4) all other issues are deferred; and we will return the matter to the trial level for further proceedings consistent with this decision.

For the foregoing reasons,

IT IS ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Findings and Orders issued on November 24, 2021 is **RESCINDED** and the following is **SUBSTITUTED** therefor:

FINDINGS OF FACT

1. In ADJ11200520, applicant sustained cumulative trauma injury to her neck, back, shoulders, hands, wrists, and in the form of GERD during the period of September 5, 2024 through January 24, 2018.
2. In ADJ12140721, applicant did not sustain injury arising out of and in the course of employment on September 3, 2016.
3. In ADJ11200520, applicant did not sustain cumulative trauma injury to the psyche during the period of September 5, 2024 through January 24, 2018; and
4. All other issues are deferred.

IT IS FURTHER ORDERED that the matter is **RETURNED** to the trial level for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 4, 2025

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

**MARIA LOPEZ
LAW OFFICES OF TELLERIA, TELLERIA & LEVY, LLP
WOOLFORD & ASSOCIATES
MEDICAL LIEN MANAGEMENT, INC.**

SRO/*kl*

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