

COMPENSATION NEWS

MONTHLY REPORT

Compensable consequence not proved from original injury

This is a non published decision by the Appellate court.

The applicant had an industrial injury on March 13, 1996. The admitted injury is to the right shoulder. The applicant had arthroscopic surgery in March 1997. The applicant returned to work in November 1997. The applicant noticed a gradual increase in pain to his wrists, hands, right shoulder, and right forearm on return to work. The applicant worked until he resigned in March of 2001, because of the pain.

The applicant attended a

Qualified Medical Examination (QME) and was declared permanent and stationary. The QME indicated that the applicant started experiencing carpal tunnel syndrome immediately postoperative right shoulder surgery.

The applicant amended his original claim to include left shoulder, elbows, hands and wrists. The issue of whether these body parties were a compensable consequence were presented to a Workers' Compensation Judge (WCJ). The WCJ indicated that the QME had an inadequate analysis and summary. The WCJ ruled the only injury was to the right shoulder. The Workers' Compensation Appeals Board (WCAB) denied the petition for reconsideration filed by the applicant and agreed with the WCJ.

The wording in the appellate decision is important for this kind of allegation. The court stated that the QME did not conclusively opine that the wrist injury was either a direct result of the original injury or surgical procedure to connect to the original injury. Nothing in the QME's report suggests a link between the carpal tunnel and the shoulder injury. They indicated you need conclusive medical opinion derived from medical analysis to support this type of opinion.

This is a noteworthy case.

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