

STATE OF CALIFORNIA  
Division of Workers' Compensation  
Workers' Compensation Appeals Board

Case No. ADJ8787394

ANA G. LOPEZ

*Applicant,*

vs.

DANIEL FOOD ENTERPRISES, INC., dba  
SUPER MERCADO VALLARTA, C/O  
SEDGWICK C.M.S.

*Defendant.*

**FINDINGS OF FACT AND AWARD**

**LAW OFFICES OF STEVEN SOBO**

By: STEVEN SOBO

Attorney for Applicant

**GREENUP, TURCHIN ET AL.**

By: GINA HARTSTON

Attorneys for Defendant

Applications having been filed herein; all parties having appeared, exhibits entered, and the above entitled matter having been submitted, the **Honorable ROBERT F. SPOERI**, Workers' Compensation Administrative Law Judge ("WCALJ"), finds as follows:

**STIPULATED FINDINGS OF FACT**

1. Ana G. Lopez, born \_\_\_\_\_, while employed during the period of 02-01-2012 through 02-06-2013 as a cashier/checker, occupational group number 214 at Palmdale, California by Daniel Food Enterprises, Inc., sustained injury arising out of and in the course of employment to her left wrist and her left knee.
2. At the time of the injury, the employer's workers' compensation carrier was Safety National Casualty Corporation c/o Sedgwick C.M.S.

3. At the time of the injury the employee's earnings were \$445.68 per week, warranting indemnity rates of \$297.12 for temporary disability (TD) and \$230.00 for permanent disability (PD).
4. All TD issues have already been resolved.
5. The employer has furnished no medical treatment and the primary treating physician is Edward Stokes, M.D.
6. No attorney's fees have been paid, and no attorney's fee arrangements have been made.
7. The parties agree that per LC Section 4660.1(c)1, applicant has no ratable psychiatric PD.
8. The parties agree that the applicant has never been TTD on a psychiatric basis.
9. The parties agree that the applicant has no need for future psychiatric medical care.

#### FINDINGS OF FACT

- 1.) It is found the applicant has not sustained a psychiatric injury arising out of and occurring in the course of employment.
- 2.) It is found that the applicant is entitled to a permanent disability award of 12 percent, equivalent to 38.25 weeks of indemnity payable at a rate of \$230.00 per week, in the total sum of \$8797.50 payable commencing on the permanent and stationary date of 11-18-2013.
- 3.) It is found that applicant is in need of further medical treatment to cure or relieve from the effects of the injury herein.
- 4.) Based on the WCAB Rules of Practice and Procedure §10775 and the guidelines for awarding an attorney's fee set forth in Policy and Procedure Manual §1.140, a reasonable attorney's fee on permanent disability is found to be \$1319.62, which shall be commuted from the final weekly payments of the permanent disability indemnity award, to the extent necessary.

**AWARD**

Award is made in favor of the applicant Ana G. Lopez and against the defendant as follows:

- A. For permanent disability in accord with Finding Number Two.
- B. For further medical treatment in accord with Finding Number Three.
- C. For attorney's fees in accord with Finding Number Four.

DATE: 08/20/2014

*Robert F. Spoeri*

**Robert F. Spoeri**  
WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE

Served by mail on all parties listed on the  
Official Address record on the above date.

BY: *L. Lamb* 08/20/2014  
L. LAMB

STATE OF CALIFORNIA  
Division of Workers' Compensation  
Workers' Compensation Appeals Board

CASE NUMBER: ADJ8787394

ANA G. LOPEZ

-vs.-

DANIEL FOOD ENTERPRISES, INC.,  
dba SUPER MERCADO VALLARTA,  
c/o SEDGWICK C.M.S.

WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE:

ROBERT F. SPOERI

DATE OF INJURY:

CT: 02-01-2012 to 02-06-2013

**OPINION ON DECISION**

**INJURY: PARTS OF BODY:**

Defendants admit industrial injury to the applicant's left wrist and left knee. Applicant also alleges a psychiatric injury. Based upon a lack of testimony and/or a lack of medical evidence supporting a psychiatric injury; it is found the applicant has not sustained a psychiatric injury arising out of and occurring in the course of employment.

**PERMANENT DISABILITY:**

Pursuant to the medical reports of Dr. Mark Mandel of 11-18-2013 (WCAB Exhibit X) and 12-30-2013 (WCAB Exhibit Y), the factors of permanent disability rate according to the following formula: For the left wrist—16.04.02.00-5[4]6-214G-7-8 and for the left knee—17.05.06.00-2[2]2-214F-2-2 and a pain add-on of 2%, for an entire amount of 12% on the Combined Values Chart. It is found that the applicant is entitled to a permanent disability award of 12 percent, equivalent to 38.25 weeks of indemnity payable at a rate of \$230.00 per week, in the total sum of \$8797.50 payable commencing on the permanent and stationary date of 11-18-2013.

**NEED FOR FURTHER MEDICAL TREATMENT:**

Based upon the medical reports of Dr. Mark A. Mandel, dated 11-128-2013 and 12-30-2013, it is found that applicant is in need of further medical treatment to cure or relieve from the effects of the injury herein.

**LIENS:**

Liens are deferred.

**ATTORNEY'S FEE:**

Based on the WCAB Rules of Practice and Procedure §10775 and the guidelines for awarding an attorney's fee set forth in Policy and Procedure Manual §1.140, a reasonable attorney's fee on permanent disability is found to be \$1319.62, which shall be commuted from the final weekly payments of the permanent disability indemnity award, to the extent necessary.

DATE: 08/20/2014

*Robert F. Spoeri*

**Robert F. Spoeri**

WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE

Served by mail on all parties listed on the  
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BY: *L. Lamb* 08/20/2014  
L. LAMB