

MAA

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

RECEIVED

APR 25 2019

BRENDA MILLER,

Applicant.

vs.

AARP;
GALLAGHER BASSETT CORONA;

Defendants.

Case No. ADJ10528387

FINDINGS AND ORDER

The above entitled matter having been heard and regularly submitted, the Honorable Darcy Kosta, Workers' Compensation Administrative Law Judge, now decides as follows:

FINDINGS OF FACT

1. Applicant did NOT sustain an industrial injury during the period of July 1, 2015 through July 1, 2016.

ORDER

1. Applicant is to take nothing further.
2. The lien of NMCI is dismissed with prejudice

Date: April 25, 2019



Darcy Kosta
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Served by mail on all parties listed on the
Official Address record on the above date.
BY: W DuBose

OPINION ON DECISION

Applicant claims an industrial injury to her hands, digestive and psych while employed by the defendant during the period of July 1, 2015 through July 1, 2016. Defendant denied the claim and the parties used Dr. Hanley as the PQME. Applicant treated with NMCI.

Applicant testified the pain in her hands began in the fall of 2015 when she needed to assemble boxes for a few months due to a company move. She has pain in her hands, arms and shoulders. Dr. Hanley originally found that applicant's symptoms did not constitute an industrial injury on continuous trauma basis in his 3/9/2017 report. He reviewed an EMG showing some signs of carpal tunnel syndrome on the left however, applicant's complaints mainly related to her right side. Dr. Hanley reviewed further medical reporting and continued to opine that there was no evidence that applicant sustained an industrially related injury.

Applicant submitted exhibits one through eight which were treatment reports from NMCI. Although NMCI found applicant's upper extremity to be work related the reports did not explain how applicant's job duties caused her injury. They are therefore not substantial medical evidence.

Applicant submitted no evidence that she sustained an industrially related injury to her psyche or digestive system.

NMCI submitted a lien on 4/6/2017. Their lien was noted to be at issue on the 1/7/2019 Pre Trial Conference Statement. They did not appear that the 3/12/2019 trial and no exhibits were submitted on their behalf. Based upon the fact that applicant did not sustain an industrial injury and their non-appearance, their lien is dismissed with prejudice.

Date: April 25, 2019



Darcy Kosta
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

DK

04-25-2019

OFFICIAL ADDRESS RECORD

Case Number: ADJ10528387

AARP Employer, 4640 MARCONI AVE STE 4 SACRAMENTO CA 95821

BRENDA MILLER Injured Worker, 3950 MACK RD APT 93 SACRAMENTO CA 95823

BRILES LAW GROUP IRVINE Law Firm, 17701 COWAN AVE STE 240 IRVINE CA 92614,
PAM@BRILESLAW.COM

BRILES LAW GROUP SAN JOSE Law Firm, 1922 THE ALAMEDA STE 103 SAN JOSE CA 95126

COLANTONI COLLINS FOLSOM Law Firm, 340 PALLADIO PKWY STE 533 FOLSOM CA 95630, Mail-
SAC@ccmpt.com

GALLAGHER BASSETT CORONA Claims Administrator, PO BOX 6900 CORONA CA 92878

NMCI MEDICAL CLINIC SAN JOSE Lien Claimant, 1720 RINGWOOD AVE SAN JOSE CA 95131,
HHBILLING@YAHOO.COM

ON: April 25, 2019 Served Findings and Order with Opinion on Decision on all parties on the
BY: W DuBose Official Address Record