

## SELF ASSESSMENT TEST

1. The revised permanent disability rating schedule mandated by Labor Code section 4660, and adopted by the Administrative Director effective January 1, 2005, is applicable to pending cases where the injury occurred before January 1, 2005, when there has been either no comprehensive medical-legal report or no report by a treating physician indicating the existence of permanent disability?

True  False

2. Insurance Code §1871.5 expressly limits victim restitution to workers' compensation benefits that were obtained as a direct result of the fraud for which the injured worker was convicted?

True  False

3. When a petition for reconsideration is filed more than 25 days after the WCJ's decision, the Appeals Board lacks jurisdiction to act on the petition?

True  False

4. Petition for Writ of Review must be dismissed if it not filed within the 45 days after the petition for reconsideration was denied?

True  False

5. The 45-day period to file a petition for writ of review in an appellate court is extended 5 days for mailing under Code of Civil Procedure §1013?

True  False

6. If a potential violation of Labor Code §5814 is discovered by the employer prior to an employee claiming a penalty, the employer, within 90 days of the date of discovery, may pay a self-imposed penalty in the amount of 10 percent of the amount of the payment unreasonably delayed or refused, along with the amount of the payment delayed or refused?

True  False

7. The Appeals Board has no jurisdiction to alter an original continuing temporary disability award, which means that the Appeals Board can reinstate temporary disability more than five years from the date of injury where there has been no award of permanent disability?

True  False

8. When there have been no final findings and award, the case is not closed and the Board has continuing jurisdiction beyond 5 years to issue an award of benefits.

True  False

9. Where injurious exposure is alleged over a period of time, the employer in the last twelve months of exposure is liable?

True  False

10. For an injured employee to be charged with knowledge that the disability is work-related does not require medical confirmation?

True  False

11. Factual determinations of the Appeals Board must be upheld if there is substantial evidence in their support and the relevant and considered opinion of one physician, although inconsistent with other medical opinions, may constitute substantial evidence?

True  False

12. When an MRI study showed a large posterior disc extrusion at C6-7, and the WCJ properly denied a chiropractor's lien as the chiropractic treatment as highly contraindicated and therefore not reasonably required to cure or relieve from the effects of the industrial injury?

True  False

13. In order to demonstrate denial of due process when a trial continuance is based on the unavailability of a employer witness, the employer must make an offer of proof as to the testimony of the witness and how that testimony would materially affect the outcome of the case?

True  False

14. When service on the defendant is defective, the time for the defendant to seek reconsideration begins to run when the WCJ's decision is received by the defendant?

True  False

15. When the Appeals Board has denied or dismissed a petition for reconsideration on a record containing no new evidence, a party is not newly aggrieved?

True  False

16. Applicant's technically deficient Petition to Reopen, which did not specify the facts on which it relied, filed within five years of the date of injury was not adequate to preserve the jurisdiction of the Appeals Board to reopen the case after the five-year period elapsed?

True  False

17. Whenever a worker sustains successive industrial injuries to the same part of the body while working for the same employer, and the injuries become permanent and stationary at the same time, the WCJ should render a single award for the combined disability?

True  False

18. A WCJ is not compelled to endorse all factors of disability described by the evaluating physician in order to use some of the factors, as corroborated by testimony and the rest of the record?

True  False

19. The WCJ must refer the permanent disability rating to the Disability Evaluation Unit for a formal rating?

True  False

20. Government Code §31725, where applicable, has been interpreted to require not only reinstatement but also payment of wages and benefits that would have accrued during the period of dismissal?

True  False

## CERTIFICATION

- This self-study activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of one hour.
- The State Bar of California certified that this activity conforms to the standards for approved education activities prescribed by the Rules and Regulations of the State Bar of California governing Minimum Continuing Legal Education (MCLE).

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