

SELF ASSESSMENT TEST

1. The Uninsured Employers Fund (UEF) is statutorily precluded from being a source of contribution to insurance carriers?

True False

2. Employers may pay a 10 percent self-imposed penalty in lieu of the penalty if: (1) a potential violation of section 5814 is discovered by the employer prior to an employee claiming a penalty, and (2) the penalty is paid "within 90 days of the date of the employer's discovery?"

True False

3. Earnings capacity may not be taken into account in determining the correct calculation for average weekly earnings?

True False

4. Suicide found to be hasty and impetuous, without deliberation and without advance planning is not a defense to death benefit claim?

True False

5. A reasonably short delay attributable to human error, standing alone, may be considered unreasonable?

True False

6. The burden is on the employer to establish that a delay in providing benefits is reasonable?

True False

7. When an employer offers no good excuse to explain how they sent the check to the wrong address, even if it is stipulated that the error was promptly corrected when the check was returned by the postal service, and although there was no evidence showing willful disregard of the employer's duties or the rights of the applicant and his attorneys, a penalty should not be imposed?

True False

8. The fee provision of section 5814.5 did not apply to private employers before its amendment effective January 1, 2003?

True False

9. An injured worker of an Indian tribe seeking relief afforded under the state workers' compensation laws has the burden of proving the requisite jurisdictional facts?

True False

10. A waiver of sovereign immunity subjecting an Indian tribe to state proceedings must be clear, express and unequivocal?

True False

11. If an employee has received a comprehensive medical-legal evaluation under Labor Code §4062, and later ceased to be represented, the employee is entitled to an additional evaluation?

True False

12. When a petition to reopen is untimely and the Court of Appeal has affirmed the finding that the Appeals Board no longer has jurisdiction in the case, the Appeals Board is completely without jurisdiction to consider any of applicant's arguments for reopening the case, whether the arguments are newly raised contentions or duplicative of previously raised issues?

True False

13. The Appeals Board is precluded from rebutting the presumption attributing heart trouble to a preexisting disease, but the presumption can be rebutted by proving a contemporaneous non-work related event was the sole cause of the heart condition?

True False

14. Failure to raise an issue in a Petition for Reconsideration bars raising the same issue before the WCJ because the finding on that issue is final.?

True False

15. The employer cannot rebut the cancer presumption of causation merely by showing that there is no evidence demonstrating a reasonable link between the exposure to the carcinogen and the cancer?

True False

16. Heart trouble manifesting itself in a peace officer while off-duty can be attributed to a non-industrial condition existing before the heart trouble developed?

True False

17. A worker performing services for which a license is required is an employee and not an independent contractor?

True False

18. Where a worker is excluded from workers' compensation coverage as a residential employee under Labor Code §3352(h), the statutory scheme provides for potential liability Labor Code §2750.5?

True False

19. Actual events or employment must be predominant as to all causes combined of the psychiatric injury. The phrase "predominant as to all causes" requires the work-related cause has greater than a 50% share of the entire set of causal factors?

True False

20. A consequential psychiatric injury is compensable if and only if it is more than half attributable to a physical industrial injury?

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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