

## SELF ASSESSMENT TEST

1. Although temporary disability indemnity is intended as a wage replacement while the injured worker is healing from his injury, once the injury becomes permanent and stationary and/or the employee returns to work, the employer's liability for temporary disability indemnity terminates?

True  False

2. When an applicant who is not permanent and stationary but has returned to work, the applicant is not entitled to Labor Code §4850 benefits for missed work for medical treatment appointments?

True  False

3. A credit may not be allowed against vocational rehabilitation maintenance allowance for earnings or income during the period when the benefit is paid?

True  False

4. Continued application of the rule in *Wilkinson* is not consistent with the new apportionment rules based on causation?

True  False

5. Under Labor Code §4660(d), a medical-legal report, like the treating physician's report, must contain an indication of permanent disability to trigger the use of the pre-2005 rating schedule.?

True  False

6. The petitioner for reconsideration shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which the reconsideration is sought other than those set forth in the petition for reconsideration?

True  False

7. The Labor Code §5402 presumption of compensability precludes an employer from presenting evidence on the extent of temporary disability, permanent disability, or medical treatment?

True  False

8. An award may not be rescinded, altered, or amended if the petition to reopen is filed more than five years after the date of injury?

True  False

9. Medial reports and opinions are not substantial evidence if they are known to be erroneous of if they are based on facts no longer germane, or are based on inadequate medical histories or examinations, or if they are based on incorrect legal theories, or based on surmise, speculation, conjecture or guess?

True  False

10. To be substantial evidence on the issue of approximate percentages of permanent disability due to direct results of the injury and the approximate percentage of permanent

disability due to other factors, a medical opinion must be framed in terms of reasonable medical probability, it must not be speculative it must be base on pertinent facts and on the adequate examination and history and must set forth reasoning in support of its conclusions?

True  False

11. The new Labor Code 5814 penalty provisions apply to awards?

True  False

12. The new Labor Code section 5814(a) still provides that a penalty is payable only when payment of compensation has been *unreasonably* delayed or refused. A delay or a refusal to pay is not "unreasonable" if the defendant had genuine doubt from a medical or legal standpoint as to its liability?

True  False

13. Labor Code §4663(e) as enacted by AB 1368 did not abrogate the public safety non-attribution presumptions of Labor Code §§3212-3213.2?

True  False

14. The goal of an FEHA attorney fee award is to compensate counsel at a reasonable rate for hours reasonably spent on the case. The trial judge as broad discretion to determine a reasonable billing rate and the number of hours reasonably spent on the case?

True  False

15. Interest on a judgment after reversal on appeal accrues from the date of the new judgment; interest on a judgment modified on appeal, whether modified up or down accrues from the date of the original, pre-appeal judgment?

True  False

16. The word "salary" as used in Labor Code §4850 includes fringe benefits which accrue incident to the employee's service and which require nothing more than of the employee than his being or remaining an employee in the service of the employer?

True  False

17. The general exclusive remedy provisions of the workers' compensation law expressly also applies to a Labor Code §132a discrimination claim?

True  False

18. Whether the parties have entered into an employment relationship, including the determination of who constitutes the employer, is a question of fact. A person rendering services for another is presumed to be an employee; the alleged employer bears the burden of establishing the lack of an employment relationship. The Appeals Board has exclusive jurisdiction to determine whether the presumption has been overcome?

True  False

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