

SELF ASSESSMENT TEST

1. Under the doctrine of compensable consequences, subsequent injuries are considered to relate back to the original industrial injury date and are not new and independent injuries?

True False

2. An injury that grows out of a personal grievance between the injured employee and a third party does not arise out of the employment if the injury occurred merely by chance during working hours at the place of employment, or if the employer's premises do not place the injured employee in a peculiarly dangerous position?

True False

3. When a third party intentionally injures the employee and there is some personal motivation or grievance, there has to be some work connection to establish compensability?

True False

4. A WCJ may order a party, the party's attorney, or both, to pay any expenses including attorney fees and costs incurred by another party as a result of bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. A bad faith action or tactic is one that results from a willful failure to comply with a statutory or regulatory obligation or from a willful intent to disrupt or delay the proceeding before the Appeals Board?

True False

5. A petition for writ of review in a case to determine the industrial causation of the disability of a member of the Public Employees Retirement System must be filed within 30 days after the petition of rehearing by the Appeals Board is denied?

True False

6. Industrial Disability Leave paid to certain state employees is not considered temporary disability indemnity for the purpose of imposing the two-year limitation under Labor Code §4656(a)?

True False

7. The Appeals Board will not blindly accept a medical opinion that lacks a solid underlying basis and will carefully judge its weight and credibility?

True False

8. The Appeals Board does not have the discretion to deny a request for restitution from an attorney when the permanent disability award was reduced from 100% to 41% due to misrepresentations by applicant when the attorney did not participate in the misrepresentation and received the attorney fees in good faith?

True False

9. Under certain circumstances it has been held that administrative tribunals such as the Workers' Compensation Appeals Board may appropriately employ equitable remedies?

True False

10. A life care plan prepared for the purposes of obtaining a settlement involving a catastrophically injured employee was neither a medical-legal under Labor Code §4621(a) nor a valid cost under Labor Code section 5811 and reimbursement was properly denied?

True False

11. The cancer presumption applies for certain firefighters and peace officers for up to 60 months after leaving employment and provides that the injury is presumed industrial if the cancer develops or manifests itself during a period in which the member demonstrates that (1) he or she was exposed to a known carcinogen as defined by the International Agency for Research on Cancer and (2) the carcinogen was reasonably linked to the disabling cancer?

True False

12. A presumption becomes operative at trial when the basic facts giving rise to the presumption are established by the pleadings, by stipulation, by judicial notice, or by evidence?

True False

13. A comprehensive medical-legal report or a treating physician's report need not state that the injured worker's condition has reached permanent and stationary status to indicate the existence of permanent disability within the meaning of Labor Code section 4660(d)

True False

14. When the insurance carrier for the general employer is declared insolvent, CIGA has the initial burden to show that other insurance is available. Secondary evidence may also be used to establish the relevant terms of the policy?

True False

15. A stipulation obviates the need for proof and narrows the issues, and may be binding in workers' compensation absent inadvertence, excusable neglect, mistake of fact or law, or fraud?

True False

16. An express or implied judicial admission does not constitute secondary and substantial evidence of the relevant term of an insurance policy?

True False

17. A general employer and a special employer are jointly and severally liable?

True False

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