

SELF ASSESSMENT TEST

1. When a compromise and release with a workers' compensation Medicare set aside arrangement is approved by a WCJ, the employer's only obligation is to send the full amount of the net proceeds to the applicant pursuant to the Order Approving Compromise and Release?

True False

2. The employer is not liable for permanent disability caused by "other factors both before and subsequent to the industrial injury."

True False

3. It is proper to allow credit for wages earned against vocational rehabilitation maintenance allowance payments?

True False

4. CIGA is entitled to credit for benefits paid to the injured worker by EDD during the period of CIGA's liability for temporary disability indemnity?

True False

5. An approved Compromise and Release, without more, does not constitute and award of permanent disability within the meaning of Labor Code §4664(b)?

True False

6. A physician's opinion on apportionment cannot be disregarded as being speculative when it is based on his expertise in evaluating the significance of facts relating to his examination and diagnosis?

True False

7. The employee has the burden of proving that there is an overlap between disabilities in two cases?

True False

8. When the employer lends an employee to another employer and allows the borrowing employer to control the worker's duties, the borrowing employer (special employer) and the general employer are jointly and severally liable for the injured workers' compensation benefits?

True False

9. The law of the case doctrine focuses on the case actually decided and with further legal proceedings of that specific case. It is a rule of law intended to prevent the parties to the case from re-litigating the issues previously decided on appeal?

True False

10. Both procedural and substantive unconscionability must be present to justify the refusal to enforce a contract or clause based on unconscionability. Procedural unconscionability focuses on oppression or unfair surprise, while substantive unconscionability focuses on overly harsh or one-sided terms?

True False

11. On the issue of apportionment, the burden is on the employer to show that apportionment is appropriate?

True False

12. With respect to the percentage of apportionment, the burden is on the employee to show the proportion of industrial causation, but on the employer to show the proportion of non-industrial causation?

True False

13. Whether permanent disability exists is a question of fact, and in order to comply with Labor Code §4660(d), the physician must only indicate the likely existence of permanent disability, not the extent of the final ratable permanent disability?

True False

14. The Appeals Board must determine whether there is medical evidence of permanent disability under Labor Code §4660(d), which is substantial medical evidence, considering the entire record. The assessment does not require a finding that the worker be permanent and stationary, because the statute does not require a medical determination of the amount of permanent disability, only an indication of the existence of permanent disability?

True False

15. The fact that the injured worker had been examined by a physician's assistant does not preclude the physician's opinion from constituting substantial evidence on the issue of permanent disability?

True False

16. An inmate of a state penal or correctional institution is entitled to workers' compensation benefits for injury arising out of and in the course of assigned employment?

True False

17. Workers' compensation is the exclusive remedy for injury of an employee against any other employee of the employer acting within the scope of his or her employment?

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.
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