

SELF ASSESSMENT TEST

1. When a WCJ approves a stipulated award, the WCJ does not have the authority to reserve jurisdiction to make an award of temporary disability indemnity in the event of hospitalization or surgery occurring more than five years after the date of injury?

True False

2. A party's failure to raise an objection or issue at the earliest opportunity may result in waiver of the objection?

True False

3. In order to establish that a psychiatric injury is compensable, an employee must demonstrate by a preponderance of the evidence that actual events of employment were predominant as to all causes combined of the psychiatric injury. The phrase "predominate as to all causes" means that the work-related cause has greater than a 50% share of the entire set of causal factors?

True False

4. A compensable consequence psychiatric injury is governed by Labor Code §3208.3 and the precipitating physical injury constitutes an actual event of employment within the meaning of subdivision (b)(1) and is compensable only if it is more than half attributable to a physical industrial injury?

True False

5. Labor Code §4660(d) has been interpreted in a number of cases that the clauses contained therein are disjunctive not conjunctive and if any one of the three conditions are met, then the old rating schedule applies?

True False

6. A petition for reconsideration is properly taken only from a final order, decision or award. A final order is one which determines any substantive right or liability of those involved in the case?

True False

7. Interlocutory procedural or evidentiary decisions, entered in the course of trial proceedings, are not considered to be final orders because they do not determine any substantive question?

True False

8. A workers' compensation case cannot be settled unless it is approved by a WCJ. The settlement of a civil action pursuant to the Fair Employment and Housing Act for emotional, psychological and physical injuries does not bar the injured worker from pursuing a workers' compensation claim?

True False

9. Under the current case guidelines, as long as the physician's reasoning is based upon substantial medical evidence, and the physician provides a detailed explanation

with respect to that reasoning, the apportionment must stand?

True False

10. If an employer files an Application for Adjudication and the employee is unrepresented at the time the application is filed, the employer is liable for any attorney's fees incurred by the employee in connection with the Application for Adjudication?

True False

11. No proceeding for death benefits may be commenced more than one year after the date of death, nor more than 240 weeks from the date of injury?

True False

12. Labor Code §5410 can not be used to reopen a case dismissed without prejudice if the Petition to Reopen is filed within five years from the date of injury?

True False

13. The outpatient surgery center lien claimant's billing, by itself, establishes that the claimed fee is "reasonable"; therefore, even in the absence of rebuttal evidence, the lien may be allowed in full if it is unreasonable on its face?

True False

14. Any evidence relevant to reasonableness of an outpatient surgery center lien may be offered to support or rebut the lien; therefore, evidence is not limited to the fees accepted by other outpatient surgery centers in the same geographic area for the services provided?

True False

15. Repeal of Labor Code §139.5 terminated any rights to vocational rehabilitant benefits or services pursuant to orders or awards that were not final before January 1, 2009?

True False

16. A worker hired by an unlicensed contractor who in turn is hired by a homeowner does not come within the workers' compensation system, despite the contractor's unlicensed status, when the worker has not worked 52 hours or earned \$100.00 within 90 days prior to the date of injury?

True False

17. When an injured worker sustains both two injuries to same body part, the awards for the separate injuries may not be combined into a single, merged award?

True False

18. When an injured worker sustains both a specific injury and a cumulative injury to the same body part, the awards for the separate injuries may not be combined into a single, merged award?

True False

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