

SELF ASSESSMENT TEST

1. In a FELA case filed in state court federal law does not authorize an award of expert witness fees to a defendant who had made a rejected offer of settlement and then obtains a defense verdict?

True False

2. This right to pursue a third party action coexists with the right to claim workers' compensation benefits from the employer?

True False

3. The Labor Code provides the employer with a statutory credit which refers to an employer's right to be fully or partially relieved from the obligation to furnish workers' compensation benefits after the employee has received money for the injury from the third party?

True False

4. Where the concurrent negligence of the employer contributes to the injury, the employer's right to be relieved by its proportional share of fault?

True False

5. The employee has the burden of proving disability disability overlaps with the current disability?

True False

6. A new injury that an employee suffers while traveling a reasonable distance, within a reasonable geographical area, to or from a medical appointment or examination or treatment of his or her existing compensable injury is also compensable?

True False

7. Definition of "covered claims" that CIGA is obligated to pay excludes any claim by any person other than the original claimant under the insurance policy in his or her own name?

True False

8. Whether petitioning the Appeals Board pursuant to Labor Code §5900 or an appellate court under Labor Code §5950, a petition to the reviewing tribunal only lies from a decision that conclusively determines, for the purposes of the compensation proceeding, a substantive issue basic to the employee's entitlement to benefits?

True False

9. An order remanding the case to the trial level for further proceeding concerning apportionment of permanent disability is a final order subject to a petition for reconsideration?

True False

10. Medical reports and opinions are not substantial evidence if they are based on inadequate histories?

True False

11. on the issues, is relevant evidence as a reasonable mind might accept as adequate to support a conclusion, is reasonable in nature, credible, and of solid value, and actual substantial proof of the essential elements that the law requires in a particular case?

True False

12. Where the Board's decision is within the realm of what a reasonable tier of fact could find, it is supported by substantial evidence and must be affirmed?

True False

13. A WCJ is considered to have special expertise in interpreting the injured worker's disability?

True False

14. The applicant's inability to engage in vocational rehabilitation is a factor which may be considered in determining permanent disability?

True False

15. The inability to benefit from vocational rehabilitation renders the rest of the medical record moot? In a case based on discrimination under Labor Code §132a, the worker must establish that he or she was singled out for disadvantageous treatment because of an industrial injury?

True False

16. When a physician phrases industrial causation as being only a possibility and not medically probable, a compensable injury will not be found?

True False

17. The time limitations for filing a Petition for Writ of Review are jurisdictional and when a party fails to seek review within the time allotted, both the Appeals Board and the Court of Appeal is without jurisdiction to hear future challenges to the decision?

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).

How to receive 1 hour of MCLE credit:

- After reading this issue of the *Appeals Board Reporter*, answer the test questions. Each question has only one answer. You may photocopy the answer sheet, but the answer sheet should not be reduced or enlarged.
- Mail the form and \$25 processing fee to:

**Providence Publications
P.O. Box 2610
Granite Bay, CA 95746**

- Make your check payable to Providence Publications. (If you are an *Appeals Board Reporter* subscriber, you do not have to submit the \$25.00 processing fee for the first four self assessment tests each year.)
- Correct answers and a Continuing Legal Education certificate will be mailed to you within four weeks.
- Make sure you retain the CLE certificate for compliance with State Bar MCLE bi-annual certification.

Name

Lawfirm/Organization

Address

City

State/Zip Code

State Bar Number