

6. It is concluded legally uninsured as to all periods relevant to this case, does not constitute “other insurance” pursuant to Insurance Code Section 1063.1(c)(9) as alleged herein.

DATE: July 29, 2019

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

CASE NUMBER:

-vs.-

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE:

DATE:

July 30, 2019

OPINION ON DECISION

INJURY AOE/COE

Based upon applicant's credible testimony and the medical report of _____ M.D., (exhibit "B") dated September 10, 2018, which are the better reasoned and more persuasive, it is found that applicant did not sustain injury to her neck, back, bilateral upper extremities, and psyche arising out of and occurring in the course of employment during the period December 1, 2009 to and including August 31, 2010.

While the applicant is not found to be credible to testify as to medical issues on injury AOE/COE, her trial testimony as to the duration and nature of the services provided under _____ does not support the finding of a cumulative trauma injury. That testimony combined with the medical report and findings of the PQME Dr. _____ (exhibit "B") is found to be sufficient evidence upon which to base a finding of no industrial cumulative trauma injury. The applicant's trial testimony and the report of Dr. _____ as to the work done with _____ was not rebutted.

WHETHER _____ CONSTITUTES "OTHER INSURANCE" PER INSURANCE CODE

Labor Code Section 3700 provides that every employer shall obtain coverage for compensation of industrial injuries, with some exemptions. In this case the issue raised is

whether [redacted] has exposure as “other insurance” pursuant to Insurance Code 1063.1(c)(9) due to its status as being legally uninsured.

The parties submitted trial briefs on the issue, no testimony was taken at trial on that issue.

Although not binding precedent, the WCJ finds the decision in Willie Pearson v. State of California Department of Corrections, legally uninsured, to be applicable to the facts and issues relevant herein. The WCJ has reviewed the joint Opinion and Decision after Reconsideration issued September 1, 2015, and finds that to be sufficient authority for the finding that [redacted] does not constitute “other insurance” and therefore has no liability herein.

DATE: July 29, 2019

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Service by mail on interested parties
shown on the Official Address Record

Date: 7/30/2019 by: _____

07-30-2019

OFFICIAL ADDRESS RECORD

Case Number:

Law Firm,

Law Firm.

()DIETZ GILMOR ONTARIO

Law Firm, 3333 CONCOURS ST BLDG 7 FL 2 ONTARIO CA
91764

Employer,

Injured Worker,

Claims Administrator,

I am over age 18, not a party to this proceeding, and am employed by the State of California, DWC, Pomona District Office of the WCAB, located at 732 Corporate Center Drive, Pomona, CA 91768.

On 7/30/2019, I served the attached FINDINGS OF FACT AND OPINION on the interested parties in said cause, by e-mail, fax, or by placing a true copy thereof, enclosed in a sealed envelope, with postage fully paid, addressed to the party or parties with check mark () above. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/30/2019 by; _____