

1 Michael P. Burns, Esq. State Bar No.: 239863  
LAW OFFICES OF  
2 Bradford & Barthel, LLP  
BRADFORD BARTHEL SAN JOSE  
3 2841 Junction Avenue, Suite 114  
San Jose, CA 95134  
4 Telephone: (408) 392-8202  
Facsimile: (408) 392-0903  
5

6 Attorneys for Defendants  
THE HANOVER INSURANCE GROUP  
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8 **WORKERS' COMPENSATION APPEALS BOARD**

9 **STATE OF CALIFORNIA**

10 AARON GARCIA,

11 Applicant,

12 vs.

13 STEELER, INC. and THE HANOVER  
INSURANCE GROUP

14 Defendants.

Case No. ADJ8335169, ADJ8337206,  
ADJ8337682

**OBJECTION TO PETITION TO REMOVE  
PQME, DR. SOONG, AND OBJECTION  
TO DECLARATION OF READINESS TO  
PROCEED**

15 COMES NOW, Defendant, The Hanover Insurance Group, by and through its  
16 attorneys of record, Bradford & Barthel, LLP, with this objection to the applicant's Petition to  
17 Remove PQME, Dr. Soong, dated November 12, 2015 and Declaration of Readiness to  
18 Proceed dated November 13, 2015.  
19

20 This case involves three Applications for Adjudication of Claims for multiple dates of  
21 injuries, two of which are alleged cumulative traumas. Defendant accepted compensability of  
22 the left shoulder and the applicant recently underwent left shoulder labral tear and rotator cuff  
23 repair surgery.

24 The applicant was initially evaluated by Panel Qualified Medical Evaluator, Dr. James  
25 Soong, in February 2014. To date, Dr. Soong has issued five reports. These reports address  
26 complex issues of causation and apportionment to the multiple dates of injury that have been  
27 pled. While he previously found the applicant to be Permanent & Stationary, defendant  
28

1 scheduled a re-evaluation with Dr. Soong in light of applicant's recent surgery.

2 As correctly noted by applicant's counsel, Dr. Soong no longer schedules evaluations in  
3 San Jose, but rather evaluates in San Francisco. The crux of the applicant's objection to the re-  
4 evaluation occurring at Dr. Soong's San Francisco office is that the 57 miles from the  
5 applicant's residence to Dr. Soong's office "is not within a reasonable geographic distance as  
6 required by regulation 34(b)." (Petition to Remove PQME, Page 2.) However, 57 miles is not,  
7 as a matter of law, unreasonable. Although, there does not appear to be any case law directly  
8 on point, in interpreting Labor Code §4600 and 8 CCR §9780 (e), a non-panel decision,  
9 McFarland Unified School District vs. WCAB, 67 Cal Comp Cases 345 (2002), held that 130  
10 miles was a "reasonable geographic distance" for applicant to travel and treat with a physician  
11 every 45 days.  
12


13 Given that transportation can easily be arranged, as well as the complex issues that Dr.  
14 Soong has already addressed, having the applicant continue to be evaluated by Dr. Soong is  
15 appropriate.

16 WHEREFORE, defendants object to the applicant's Petition to Remove PQME, Dr.  
17 Soong, and to the applicant's Declaration of Readiness to Proceed.

18 Dated: December 1, 2015

Respectfully submitted,

19  
20 **BRADFORD & BARTHEL, LLP**

21 By:   
22 MICHAEL P. BURNS  
23 Attorneys for Defendants  
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STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD

Aaron Garcia

Applicant,

v.  
Steeler, Inc. (Hanover)

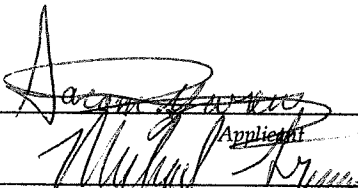
Defendant(s).

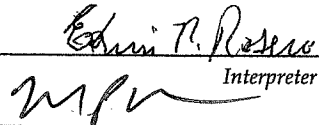
Case No(s). ADJ 8337206

STIPULATION and AWARD  
and/or  
ORDER

Having waived the provisions of Labor Code §5313, the parties stipulate as follows:

Applicant dismisses his Petition to Disqualify  
PAME Dr. James Soong dated 11/12/15 with  
prejudice.

  
\_\_\_\_\_  
Attorney for Applicant

  
\_\_\_\_\_  
Interpreter  
Attorney for Defendant

- IT IS SO ORDERED/AWARDED  
 IT IS ORDERED THAT: \_\_\_\_\_  
 If Expedited Hearing, enter as Final Findings & Award/Order.

Dated: 2/2/16

  
\_\_\_\_\_  
Workers' Compensation Administrative Law Judge

On 2/2/16, this document  was personally served on all persons appearing at the hearing on said date, as set forth in the minutes of that hearing  was personally served on \_\_\_\_\_

was served by mail on all persons listed on the Official Address Record  was served by mail on following party or parties: \_\_\_\_\_

By \_\_\_\_\_

NOTICE TO: Mr. Grimm  
Pursuant to Rule 10500, you are designated to serve this document on all parties shown on the Official Address Record, together with a proof of service. You shall maintain this proof of service, which shall not be filed with the WCAB unless a dispute arises regarding service. A copy of the current Official Address Record accompanies this notice.