

STATE OF CALIFORNIA
Division of Workers' Compensation
Workers' Compensation Appeals Board

JOHN CATALANO,

Applicant,

vs.

VERIZON WIRELESS;
SEDGWICK 14442 ORANGE;

Defendants.

Case No. ADJ9835488

FINDINGS AND ORDER

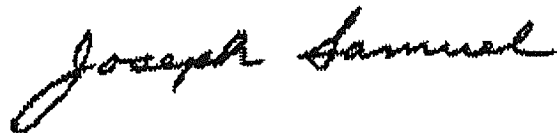
FINDINGS

1. Applicant, John Catalano, born March 16, 1969, while employed during a cumulative period to March 14, 2014, 2014 as a Technical Coordinator by Verizon Wireless, insured by National Union Fire Insurance Company, claims to have sustained injury arising out of and in the course of employment to his back, neck, hips, legs, feet and nervous system.
2. Applicant did not sustain injury as alleged.

ORDER

It is ordered that applicant take nothing by reason of his application herein.

DATE: 01/09/2017



Joseph Samuel
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Served on all parties listed on the
Official Address Record.

ON: 01/09/2017
BY: A. Westlake

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-vs.-

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WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE: Joseph Samuel

OPINION ON DECISION

Applicant alleges injury to his back, neck, hips, legs, feet, and nervous system. Dr. McCoy recorded in his History of Injury that applicant "reports filing an industrial claim for cumulative trauma... stating that his work activities at Verizon between 2001 and 2014 caused measurable impact on his lumbar spine and neck." (Joint Exhibit AA, April 12, 2016, p. 2-3) It is apparent from this statement and the entirety of Dr. McCoy's report that the low back and neck are the fundamental body parts involved in this claim.

It appears the claims of injury to the legs and feet, possibly the hips, reflect information under Current Complaints to "bilateral leg difficulties," "posterior left greater than right lancinating pain in his lower legs down toward his feet," and "a sensation of restless legs bilaterally." (*Id.*, p. 3-4) The claim of injury to the nervous system appears to relate to Dr. McCoy's deposition where he indicates that a neurologist would be the appropriate medical specialty to analyze restless leg syndrome and headaches. (Joint Exhibit BB, 29:3-15)

My review of Dr. McCoy's reports and deposition supports his statement that he "thoroughly evaluated the above – noted case information and all of the medical records." (Joint Exhibit AA, April 12, 2016, p.34) He opined that he had "not been presented with any information to suggest there is a legitimate cumulative industrial claim." (*Id.*, p. 32) He discussed that conclusion in other portions of that report (*Id.*, p.30-34) And he did not alter his opinion during the deposition. (See Joint Exhibit BB)

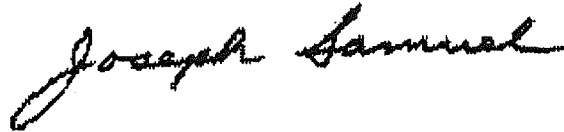
Applicant contends that Dr. McCoy's report is not substantial evidence. I am unable to find any basis to support that contention.

Applicant contends the record should be developed pursuant to the *McDuffie* case. I see no basis to support that contention. As noted, Dr. McCoy performed a thorough evaluation. His recording of applicant's job duties was consistent with the job description in evidence. (Joint Exhibit CC)

Applicant contends that "pursuant to the deposition of Dr. McCoy, evaluations should take place in specialties of neurology and internal medicine." The only reference to a neurologist is what has already been discussed. There is nothing in Dr. McCoy's reports or deposition that indicates any need for such evaluation for the issues presented in this case.

I found a reference to an internist where Dr. McCoy mentioned adult onset diabetes and hypertension and acknowledged that he was not an internist. (Exhibit BB, 26:1-13)

Applicant has the burden of proving industrial causation. The evidence presented does not meet that burden.



DATE: 01/09/2017

Joseph Samuel
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

JS/AW

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SHATFORD LAW PASADENA, Email
VERIZON WIRELESS, US Mail

**Served on all parties listed on
the Official Address Record.**

ON: 01/09/2017
BY: A. Westlake

01-09-2017

**PROOF OF SERVICE FOR FINDINGS AND ORDER WITH OPINION ON DECISION
OFFICIAL ADDRESS RECORD**

Case Number: ADJ9835488

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ON: 01/09/2017 BY: A. Westlake	FINDINGS AND ORDER WITH OPINION ON DECISION served on all parties listed on the OFFICIAL ADDRESS RECORD.

JOHN CATALANO

ADJ9835488
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