

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

ADRIANA MELENDREZ,

Applicant,
v.

**CPEHR/WINDSOR CONVALESCENT &
REHAB CENTER OF CONCORD, LLC;
STARSTONE NATIONAL INSURANCE
COMPANY,**

Defendant,

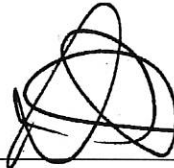
Case No. ADJ10608609

FINDINGS OF FACT

This matter having been heard and submitted, Daniel H. Asturias, Workers' Compensation Administrative Law Judge, now finds and awards as follows:

FINDINGS OF FACT

1. The Panel issued by the Medical Unit #7086714 in the specialty of Orthopedics is not an inappropriate medical specialty in this case.



**DANIEL H. ASTURIAS
Workers' Compensation
Administrative Law Judge**

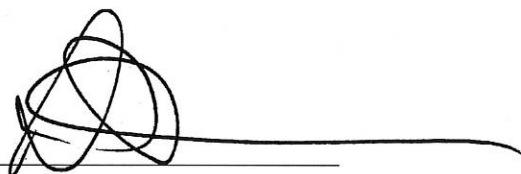
Served: 6/27/2017
On parties as shown on the
Official Address Record.

By: *Selene F. Ogden*
SELENE F. OGDEN

ADRIANA MELENDREZ
ADJ10608609

OPINION ON DECISION

The medical specialties requested by the parties, orthopedics and physical medicine, have overlapping responsibilities and either specialty would be appropriate to evaluate applicant's medical condition. As such, the specialty for orthopedics as issued by the Medical Unit and affirmed in their letter of 4/18/17 is an appropriate specialty for the medical evaluation of the disputed issues in this case.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal line extending to the right.

DANIEL H. ASTURIAS
Workers' Compensation
Administrative Law Judge

DHA;sfo

1 STATE OF CALIFORNIA
2 DEPARTMENT OF INDUSTRIAL RELATIONS
3 WORKERS' COMPENSATION APPEALS BOARD

4 ADRIANA MELENDREZ,

CASE NO. ADJ 10608609

5
6 Applicant,

SALINAS DISTRICT OFFICE

7 vs.

MINUTES OF HEARING

8 SUMMARY OF EVIDENCE

9 STARSTONE NATIONAL
10 INSURANCE COMPANY,

11 Defendants.
12

13 LOCATION: Salinas, California

14 DATE AND TIME: 6/13/17, 9:32 a.m. - 10:28 a.m.

15 JUDGE: DANIEL ASTURIAS, W.C.A.L. Judge

16 REPORTER: LIANA MABRY, CSR No. 13305

17 APPEARANCES: APPLICANT present represented by
18 AMOS, DITTRICH, et al. by
MICHAEL YOUNG, Attorney at Law

19 DEFENDANT represented by
20 BRADFORD & BARTHEL, et al. by
21 AMIR F. ADIL, Attorney at Law

22 WITNESS: ADRIANA MELENDREZ (DEFT.)
23
24

25 **DISPOSITION:** The matter stands submitted.

1 The following facts are admitted:

2
3 (1) Applicant, Adriana Melendrez, born 8/10/81, while
4 employed on or about 8/24/16 as a central supply clerk,
5 occupational group number deferred, at Salinas, California, by
6 CPEHR/Windsor Convalescent & Rehab Center of Concord LLC,
7 sustained injury AOE/COE to her low back.

8
9 (2) At the time of the injury, the employer's workers'
10 compensation carrier was StarStone National Insurance Company.

11 (3) The employer has furnished all medical treatment.

12 (4) Primary treating physician is Dhanu Panchal, M.D.;
13 the date when he became PTP is in dispute.

14 (5) No attorney fees have been paid and no attorney fee
15 arrangements have been made.

16 (6) Temporary Disability overpayment is reserved and
17 deferred.

18 (7) All issues not expressly determined in this
19 proceeding are deferred and ordered off calendar.

20
21
22 ISSUES: (a) What is the appropriate qualified medical
23 examiner specialty based on the law and
24 regulations, and the facts in this case.

25 (b) Applicant's Appeal of the Medical Unit
Determination, dated 4/18/17.

E X H I B I T S

- 1
- 2
- 3 DEFT'S EX. A: Letter to Defendant from Applicant, 12/6/16.
- 4 DEFT'S EX. B: Copy of Defense Online QME Panel Request.
- 5 DEFT'S EX. C: Panel No. 7086714, issued on 12/22/16, pursuant
6 to a request received, 12/21/16.
- 7 DEFT'S EX. D: Letter to Applicant from Defendant, 12/22/16.
- 8 DEFT'S EX. E: Letter to Defendant from Applicant, 12/22/16.
- 9 DEFT'S EX. F: Applicant's Strike of Panel Member, 12/22/16.
- 10 DEFT'S EX. G: Letter to Medical Unit from Applicant,
11 12/22/16.
- 12 DEFT'S EX. H: Letter, Objection of Defendant, sent to DIR
13 Division of Workers' Compensation Medical Unit,
1/25/17.
- 14 DEFT'S EX. I: Letter to Applicant from Defendant, 1/25/17.
- 15 DEFT'S EX. J: Letter to Applicant from Defendant, 12/28/16.
- 16 DEFT'S EX. K: Letter to Ms. Melendrez from Applicant, 1/4/17.
- 17 DEFT'S EX. L: Defendant's Petition to Compel Attendance at
18 Qualified Medical Evaluation, 1/26/17.
- 19 DEFT'S EX. M: Order, 2/13/17.
- 20 DEFT'S EX. N: Benefit Payout for Temporary Disability.
- 21 DEFT'S EX. O: Letter, Medical Unit, unsigned, 4/18/17.
- 22 DEFT'S EX. P: (For identification) Deposition Transcript,
23 Adriana Melendrez, 3/14/17.
- 24 DEFT'S EX. Q: Doctor's Note of Treatment, Sheilaja Mittal,
25 M.D., 9/29/16.

1 DEFT'S EX. R: MRI Report, Rory Satterfield, 1/16/17.
2 DEFT'S EX. S: Medical Report of MRI Exam, 9/16/16.
3 DEFT'S EX. T: Treatment Report, WorkWell, 9/8/16.
4 APPL'S EX. A-1: Appeal Determination, Medical Unit, 4/21/17.
5 APPL'S EX. A-2: Doctor's First Report of Occupational injury,
6 Dhanu Panchal, M.D., 12/7/16.
7 APPL'S EX. A-3: Medical Report, Paladin Managed Care
8 Services, Gary Taff, M.D., 4/13/17.
9 APPL'S EX. A-4: Letter, Enstar to Dr. Panchal, 10/19/16.
10 APPL'S EX. A-5: Letter to Defendant from Applicant, 1/17/17.
11 APPL'S EX. A-6: Strike by Defendant Panel Member, 12/22/16.
12 APPL'S EX. A-7: Medical Report, Willard Wong, M.D., 12/6/16.
13
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15 Defendant objects to Exhibit A-3 as not relevant or germane to
16 the issues that are being adjudicated.
17
18 Defendant objects to Exhibit A-7 as Defendant was only handed
19 a copy this morning and Dr. Wong has never served as the
20 primary treating physician; discovery was closed at the time
21 of the MSC.
22 Exhibit A-7 is a treatment record and is admissible; objection
23 to A-3 is overruled.
24
25 The Exhibits are admitted over Defendant's objections.

1 **SUMMARY OF EVIDENCE**

2 **ADRIANA MELENDREZ**, was called as a witness by Defendant on her
3 own behalf, sworn, and testified substantially as follows:

4 **Direct Examination by Mr. Adil:** She was evaluated by Willard
5 Wong and was referred there by Dr. Mittal at WorkWell. She
6 obtained the report from Dr. Wong yesterday. She picked it up
7 herself.

8 She does have low back pain with symptoms that go into her
9 legs, the right leg mostly, and some into her left leg.
10 The leg pain goes into her toes. She feels pain differently
11 in different parts of her leg. When she sits, the pain is in
12 the front of the leg and also behind her leg.

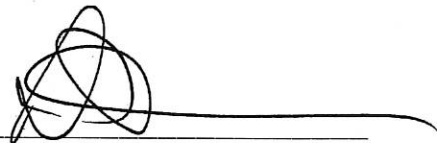
13 Dr. Wong did not recommend that she have surgery. He did not
14 say whether she needed surgery in the future. She has seen
15 several doctors at WorkWell and two or three of them said she
16 may have to have surgery further down the line. They gave her
17 different options over time.

18 She saw Dr. Wong in early December. She saw Dr. Wong on
19 December 6th and then Dr. Panchal on December 7th. The
20 appointments were made for her by WorkWell.

21 Dr. Panchal has not recommended surgery or that she be seen by
22 another orthopedist. He has also not recommended injections.

23 She is taking pain medications and has been prescribed
24 physical therapy and acupuncture.

25 **Cross-examination by Mr. Young:** She has had just one injury
with this employer, that was on 8/24/16.

21 
22
23 DANIEL ASTURIAS
24 WORKERS' COMPENSATION
25 ADMINISTRATIVE LAW JUDGE

SERVICE AS SHOWN ON THE
OFFICIAL ADDRESS RECORD

DATE: 6/27/2017 BY: sfo