

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

MARY WEMBLEY,

Applicant

vs.

700 OPTUM CARE, A UNITED HEALTH
GROUP;
TRAVELERS PROPERTY CASUALTY INS.;
Defendants.

Case No. ADJ14102081

FINDINGS AND ORDER

Zapanta Alder, by Jesse Wales, Esq..

Attorney for Applicant;

Bradford & Barthel, by Sophia Martinez, Esq.

Attorney for Defendants

An application having been filed herein; all parties having appeared in the above entitled matter having been heard and submitted, the Honorable DAVID THORNE, Workers' Compensation Administrative Law Judge, finds and awards as follows:

FINDINGS OF FACT

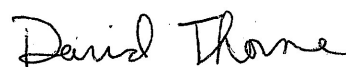
1. Mary Wembley, born 1/29/1961, while employed during the period 5/1/2015 through 12/21/2020, as a Case Manager, by 700-Optumcare, A United Health Group, did not sustain injury arising out of and in the course of employment to her right elbow, right shoulder, arms, both wrists, circulatory system, stress, cardiovascular system, and internal.
2. There are no funds from which to award attorney fees.

ORDER

IT IS ORDERED that the applicant take nothing by way of the claim she has filed herein.

RIVERSIDE, CALIFORNIA

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DAVID THORNE
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Service:

BRADFORD BARTHEL ONTARIO, Email

MARY WIMBLEY, US Mail

SEDGWICK 94520 CONCORD, US Mail

ZAPANTA ALDER VALLEY VILLAGE, US Mail

Service made on all parties as shown on the Official Address Record.

On: 5/18/2022 By: *C. Garcia*

**STATE OF CALIFORNIA
WORKER'S COMPENSATION APPEALS BOARD
CASE NO. ADJ14102081**

MARY WIMBLEY v. 700 OPTUM CARE- UNITED HEALTH GROUP

WORKERS' COMPENSATION

ADMINISTRATIVE LAW JUDGE: David Thorne

DATE: 5/18/2022

OPINION ON DECISION

Mary Wimbley, born 1/29/1961, while employed during the period 5/1/2015 through 12/21/2020, as a Case Manager, by 700-Optumcare, A United Health Group, claims to have sustained injury arising out of and in the course of employment to her right elbow, right shoulder, arms, both wrists, circulatory system, stress, cardiovascular system, and internal.

ADJ14107734 was dismissed without prejudice on 7/14/2021.

At the trial on 4/27/2022, the applicant testified that she started work at United Healthcare seven years ago. She continues to work for United Healthcare. She currently works 40 hours a week. She works from home. As a Case Manager, she interacts with patients regarding their care. She helps with appointments and questions. She works over the telephone and enters data into the computer. She doesn't have to carry documents. She alleges an injury to her right shoulder, both elbows, and both wrists and hands from typing and using the computer.

The applicant testified that she believes that her mail was tampered with in January 2022. She believes that documents were stolen from her office in a safe, along with pictures of Kobe Bryant. She believes that she is constantly being followed and being photographed. Her car has been broken into several times. She thinks that the employer or Sedgwick has been doing this because only Sedgwick documents were taken.

The applicant admitted to a history of prior accidents. In October 2017, she injured her toe at a 99 Cents Store. In 2015, she was injured in an automobile accident. In March 2016, she was involved in another accident. In February 2019, she had an accident at Hobby Lobby.

Paul Milling, M.D., prepared an Initial Orthopedic QME Report, dated 6/17/2021 (Exhibit D). The applicant had complaints to her right shoulder, arms, elbows, wrists, and

hands. The applicant claims a cumulative trauma from 2015 to the present as a result of repetitive work activities while working as a nurse case manager. She attributes the injury to repetitive and prolonged typing on the computer and working in a non-ergonomic workstation. In February 2019, she was injured at Hobby Lobby when a heavy object fell on her right hand. After reviewing all the medical reports provided and the evidence, Dr. Milling concluded that there is no evidence to support industrial causation either for a specific injury, which she denies, or a cumulative trauma industrial injury.

Dr. Milling reviewed additional records and prepared a supplemental report dated 10/29/2021 (Exhibit E). The records showed that the applicant worked for Destiny Hospice Care between July 2017 and March 30, 2021. Her work as a hospice care nurse was heavier and more arduous than it was at United Healthcare. It involved more hands-on care and treatment. The records showed a history of prior injuries. On 9/4/2007, the applicant sustained injury to her low back and left knee when a med cart fell on her. On 9/18/2008, the applicant injured her low back, right hip, knee, and leg after giving the Heimlich maneuver to a patient. On 2/23/2015, the applicant was in an automobile accident with a cervical spine injury. On 3/7/2018, the applicant was rear-ended in an automobile accident. She sustained injury to the neck, both shoulders, wrists, hands, mid-back, and low back. 2/28/2019 or 2/20/2019 is the injury at Hobby Lobby. Dr. Milling stated that the medical records do not mention or connect developing symptoms in the upper extremities to cumulative work activity at United Healthcare or at Destiny Hospice Care.

Dr. Milling reviewed additional records and prepared a supplemental report dated 12/16/2021 (Exhibit G). There was nothing in the reviewed records that would persuade Dr. Milling to change his opinions that the applicant did not sustain a cumulative trauma injury while working for United Healthcare.

Dr. Milling reviewed records from 5/21/201 to 11/29/2021 and prepared a supplemental report dated 3/10/2022 (Exhibit F). There was nothing in the reviewed records that would persuade Dr. Milling to change his opinions that the applicant did not sustain a cumulative trauma injury while working for United Healthcare.

Exhibit H consists of subpoenaed records from Hobby Lobby. The applicant treated at South County Orthopedic Specialists following an injury on 2/20/2019. She injured her right hand. A 20 lb. weight fell on her hand. She had pain swelling and bruising on the dorsal

aspect of the right hand and base of thumb.

Exhibit I consists of subpoenaed records from Memorial Medical Group. The applicant was treating for a motor vehicle accident in March 2018. She had pain in the anterior neck and right side. She is also alleging shoulder and chest pain. She was stopped in a Honda CRV and was hit from behind by a ½ ton pickup going 30 plus mph.

Exhibit J consists of subpoenaed records from Sedgwick. David Kupfer, M.D., prepared a medical report dated 8/21/2020 for an injury on 2/2/2019. This was the injury had Hobby Lobby. The applicant had surgery on right wrist and hand.

Exhibit K consists of subpoenaed records from Interinsurance Exchange of The Automobile Club. On 3/7/2018, the applicant was involved in a motor vehicle accident. The applicant was rear-ended. The records include a Police Accident Report and medical reports.

EDD submitted medical records in support of the benefits that they provided. On 8/13/2020, Dr. David Kupfer signed a form for an injury on 2/9/2020 with disability beginning on 5/22/2020. The applicant had an injury to the right hand and wrist. Surgery was performed on 8/12/2020. Sanam Fazel DC signed EDD forms for benefits starting on 8/23/2021. The diagnosis was right shoulder impingement and tendinitis, right elbow pain, and carpal tunnel in the right wrist.

INJURY AOE/COE

Based upon the medical reports of Paul Milling, M.D., which are the better reasoned and more persuasive, it is found that applicant did not sustain injury to her right elbow. Right shoulder, arms, both wrists, circulatory system, stress, cardiovascular system, and internal arising out of and occurring in the course of employment during the period 5/1/2015 to and including 12/21/2020. Dr. Milling's opinion is supported by the numerous records that he reviewed.

ATTORNEY FEES

Based on the finding that the applicant did not sustain an injury arising out of and in the course of employment, there is no award upon which to base an award for attorney fees.

DATE: 5/18/2022

David Thorne

David Thorne
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Service:

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MARY WIMBLEY, US Mail
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On: 5/18/2022 By: *C. Garcia*

OFFICIAL ADDRESS RECORD

(POS- F&O WITH OPINION ON DECISION 5/18/2022 C. GARCIA)

Case Number: ADJ14102081

- **BRADFORD
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ONTARIO**

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EDD SDI SAN
BERNARDINO

Lien Claimant, PO BOX 781 SAN BERNARDINO CA 92402,
DI.EAMS211@EDD.CA.GOV

- **MARY
WIMBLEY**

**Injured Worker, 2088 E LAKESHORE DR APT 526 LAKE ELSINORE
CA 92530**

- **SEDGWICK
94520
CONCORD**

Claims Administrator, PO BOX 14421 LEXINGTON KY 40512

UNITED HEALTHCARE
GROUP

Employer, PO BOX 14568 LEXINGTON KY 40512

- **ZAPANTA
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