

SELF ASSESSMENT TEST

1. The existence of permanent disability is properly indicated when the treating physician's report reflects anterior cruciate ligament surgery was performed on the injured worker?

True False

2. In construing the limitations provisions of Labor Code §5405 the controlling principle is that for purposes of the running of a statute of limitations on a workers' compensation claim, it is almost universally the rule that the injury is not deemed to occur until ascertainable disability results?

True False

3. An injured worker does not incur a "specific injury" as defined as section 3208.1 until the injured worker needed medical treatment and became temporarily disabled?

True False

4. An employee is not barred by the statute of limitations applicable to worker's compensation claims unless he knew, or in the exercise of reasonable diligence should have known, that his disability was caused by his employment?

True False

5. Absent objective evidence of an injury other than the applicant's representation that he was injured, the employer is released from further liability for further workers' compensation benefits?

True False

6. On the basis of a criminal conviction for workers' compensation fraud, the workers' compensation claim must be dismissed if there is no independent evidence of a compensable injury?

True False

7. A WCJ is bound by the stipulations of the parties?

True False

8. A stipulation as to the date of injury for a cumulative injury precludes a party from alleging an additional, different and expanded cumulative injury?

True False

9. The fact that a physician's report addresses the issue of causation of permanent disability and makes an apportionment determination by finding the approximate respective percentages of industrial and non-industrial causation renders the report substantial evidence on which a WCJ may rely in deciding the issue of apportionment?

True False

10. To be substantial evidence on which an apportionment determination may be based, the report must, in part, disclose familiarity with the concepts of apportionment, describe in detail the exact nature of the apportionable disability, and set forth the basis for the opinion that factors other than the industrial injury at issue caused permanent disability i.e., the report must explain how the "other factors" caused permanent disability?

True False

11. The five year limitations period of Labor Code §5410 bars any claim for new and further temporary disability arising more than five years after the date of injury, regardless of whether the petition to reopen was timely filed?

True False

12. A worker may not confer jurisdiction on the WCAB by filing a petition to reopen an award before the five year period has expired for anticipated temporary disability to occur after the five year period?

True False

13. The Appeals Board may reopen under section 5410 of the Labor Code on the ground of new and further disability *occurring within the five year period*, even though the board's action is effected after the lapse of the five year period, provided application is filed within the five year period?

True False

14. Automatic denial of reconsideration petition after 30 days of Board inaction may be upheld even though the inaction was due to the petition having been lost by the Board?

True False

15. Under the new apportionment rules, it is possible to apportion to "other causes" of disability such as an asymptomatic non-industrial disability emerging after a work injury to cause both industrial and non-industrial disability?

True False

16. Under the new apportionment rules, the concurrence of an asymptomatic non-disabling pathology pre-existing the work injury but made disabling by that injury with disability directly caused by the work injury can support apportionment if it is based upon substantial medical evidence?

True False

17. A property management company acting on behalf of a homeowners association is exempt from liability for workers' compensation benefits under Labor Code §3352?

True False

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