

SELF ASSESSMENT TEST

1. When a petition for writ of review is not filed within 45 days of the Appeals Board's decision, the appellate court has not jurisdiction and the petition must be denied?

True False

2. A period of temporary disability commencing more than five years from the date of injury is not compensable pursuant to Labor Code §5410?

True False

3. Self insurance constitutes "other insurance" relieving CIGA of liability?

True False

4. The 104 week limit on the payment of temporary disability indemnity begins with the first temporary disability indemnity payment, even when the payment includes retroactive benefits?

True False

5. Notice provided by the employer informing the injured worker that she was not entitled to permanent disability benefits is sufficient to trigger the Labor Code §4061 notice exception despite the fact that no temporary disability indemnity was paid?

True False

6. In order for a post SB 899 apportionment opinion to be valid or to constitute substantial evidence, it must be framed in terms of reasonable medical probability, must not be speculative, must be based on pertinent facts and on an adequate examination and history, and must set forth reasoning in support of its conclusions?

True False

7. The Court of Appeal may substitute its view of the evidence for that of the Appeals Board?

True False

8. The new apportionment rules allow apportionment that may include not only disability that could have been apportioned prior to SB 899, but it also may include disability that formerly could not have been apportioned such as pathology, asymptomatic prior conditions, and prophylactic work restrictions provide there is substantial medical evidence establishing that these factors have caused permanent disability?

True False

9. A BART police officer does not qualify for the presumption of injury as a peace officer as defined by Penal Code §830.1?

True False

10. The date of injury in cumulative trauma cases is defined by labor Code §5412 as the date upon which either the applicant first suffered disability as a result of the injury or in the exercise of reasonable diligence should have known that the disability was caused by the employment?

True False

11. The Appeals Board may not reject the WCJ's findings on credibility matters?

True False

12. WCJ's pre-trial orders regarding evidence, discovery, trial setting and/or venue are subject to reconsideration?

True False

13. The running of the statute of limitations may be tolled when the employer fails to provide the required claim form and notice?

True False

14. Payment of vocational rehabilitation maintenance allowance at the delay rate is only in the case of a delay caused by the employer or claims administrator?

True False

15. The delay rate for payment of vocational rehabilitation maintenance allowance prevails only for the period of the delay?

True False

16. If the last payment of temporary disability indemnity was made for any period of temporary disability ending before January 1, 2005, then the 1997 rating schedule applies to determine the extent of permanent disability?

True False

CERTIFICATION

- This self-study activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of one hour.

- The State Bar of California certified that this activity conforms to the standards for approved education activities prescribed by the Rules and Regulations of the State Bar of California governing Minimum Continuing Legal Education (MCLE).

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