

SELF ASSESSMENT TEST

1. Appeals Board panel decisions are not binding precedent and have no stare decisis effect?

True False

2. To be substantial evidence to support a finding of apportionment, a medical opinion must be based on an adequate medical history, examination, and facts and set forth the reasoning behind the conclusions and assessed the relative percentages of industrial and non-industrial causation based on the time of the evaluation, and the apportionment determination was made by finding the approximate percentages of permanent disability caused by the industrial injury and by "other factors?"

True False

3. In a case in which there is no prior finding and/award establishing a permanent disability level or ending temporary disability indemnity benefits, the Appeals Board is exercising original jurisdiction and not its continuing jurisdiction pursuant to Labor Code §5410?

True False

4. The one-year time limitation for filing a petition for contribution is measured from the date of the WCJ's award. The filing of a petition for reconsideration tolls or extends to the one-year time limitation?

True False

5. Where a supplemental award is issued awarding a new and distinct class of benefits, a petition for contribution filed within one year of the supplemental award is timely as to that award, even though more than one year has passed since the issuance of the original award?

True False

6. In order to determine whether the employer is entitled to credit, one simply multiplies the employees tort damages times the percentage of employer fault?

True False

7. No release of liability or compromise and release agreement is valid unless it is approved by the Appeals Board or a WCJ, and Labor Code §5003 requires a compromise and release agreement must be in writing and duly executed and the signature of the employee or other beneficiary must be attested by two disinterested witnesses or acknowledged before a notary public?

True False

8. Apportionment of permanent disability is based on causation and the employer is only liable for the percentage of permanent disability directly caused by the injury arising out of and in the course of employment. The plain meaning of "causation" in this context is causation of permanent disability which is different than the consideration of the cause of the industrial injury?

True False

9. In order to "institute proceedings" for contribution pursuant to Labor Code §5500.5(e), a party seeking contribution must file a Petition for Contribution within one year of an award to an applicant?

True False

10. A Compromise and Release with a provision that one insurance carrier would negotiate all remaining liens and inform another carrier of the contribution amount does constitute instituting proceedings within the meaning of Labor Code §5500.5(e)?

True False

11. The liability of general and special employers for compensation benefits is joint and several?

True False

12. The insurer of the general employer is liable for all compensation, unless the employee was on the special employer's payroll at the time of injury?

True False

13. California Insurance Guarantee Association is not an insurance company. Its duties are not co-extensive with the insolvent insurer's obligations, and it does not stand in the shoes of the insolvent insurer.

True False

14. CIGA is responsible for the covered claims of the insolvent insurer. Covered claims do not include any claim to the extent it is covered by any other insurance available to the claimant or insured. In cases of overlapping insurance policies and one insurer become insolvent, the other insurer, even if only a secondary or excess insurer, is responsible for paying the claim?

True False

15. The principle of liberal construction in favor of the injured worker does not relieve the worker of the evidentiary burden of proof by a preponderance of the evidence as to industrial causation?

True False

16. True. In a case involving non-occupational disease, the fact that an employee contracts a disease while employed or becomes disabled from the natural progress of a non-industrial disease during employment will not establish the causal connection?

True False

17. In enacting SB899, the Legislature intended that apportionment to causation under Labor Code §4663 may be based on age-related degenerative conditions?

True False

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