

SELF ASSESSMENT TEST

1. A petition for reconsideration is properly taken only from a final order, decision or award?

- True False

2. Interlocutory procedural or evidentiary decisions, entered in the midst of the workers' compensation proceedings, are not considered to be final orders because they do not determine any substantive question?

- True False

3. The date of commencement of temporary disability as used in Labor Code §4656(c) means the date on which temporary disability indemnity is first paid?

- True False

4. Labor Code 5702 provides that the parties may stipulate in writing to settle the case and file the stipulation with the Appeals Board, but the stipulation is not binding until the WCJ makes findings and award based on the stipulation?

- True False

5. For injuries that are not subject to the schedule for rating permanent disability adopted January 1, 2005, the injured worker's ability to compete in the open labor market is compensable only to the extent that it had decreased from what it was immediately before the industrial injury?

- True False

6. A worker's education, training, aptitude and residence are factors to be considered in calculating a permanent disability rating?

- True False

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

- True False

8. The Appeals Board has considerable discretion to take a different view of the same evidence and determine the case upon the existing record. This included the power to choose among conflicting medical reports and rely on that which it deems most persuasive?

- True False

9. The Appeals Board commonly allows credit for overpayments of temporary disability indemnity against the employer's liability for permanent disability indemnity. The purpose of allowing such credit is to encourage prompt voluntary payments of benefits?

- True False

10. The findings of the Appeals Board on questions of fact are conclusive and not subject to review if supported by substantial evidence?

- True False

11. A lien claim may not be disallowed because the lien claimant failed to comply with the medical reporting requirements of Labor Code §4061.5 and Cal. Code of Regs §9785(e)(3) and (4)?

- True False

12. The lien claimant has the burden of proving that the treatment provided was reasonably required to cure or relieve the injured worker from the effects of the industrial injury pursuant to Labor Code §4600?

- True False

13. An employer or insurer's failure to provide required notice to an employee of the right under a Medical Provider Network that results in a neglect or refusal to provide reasonable medical treatment renders the employer or insurer liable for reasonable medical treatment self procured by the injured worker?

- True False

14. An exacerbation of a pre-existing condition constitutes an industrial injury?

- True False

15. When there is a question of whether a psychiatric condition is casually related to workplace stress, proof in the form of both lay testimony and expert medical evidence is required?

- True False

16. Where an employer sends an employee to do work for another person, and both have the right to exercise certain powers of control over the employee, that employee may be held to have two employers—his original or general employer and a second, the special employer?

- True False

17. The running of the limitations period of five years after the date of injury does not extinguish the injured worker's right to institute proceedings to collect workers' compensation benefits for "new and further disability" under Labor Code §5410; it operates as a bar to the remedy, which is an affirmative defense that may be waived if not raised prior to submission at trial?

- True False

18. When an employer engages in a process to try to accommodate a disabled employee, and moved the employee through various temporary positions before choosing a permanent position that was what the employer had requested, substantial evidence supported a verdict finding that the employer had engaged in a good faith interactive process required by FEHA?

- True False

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