

SELF ASSESSMENT TEST

1. There is a rebuttable presumption that an unlicensed worker performing work a license is required for is an employee rather than an independent contractor.

True False

2. An employee who had worked less than 52 hours for an employer is excluded as an employee for workers' compensation purposes.

True False

3. To recover against a property owner who hires an unlicensed worker based on a negligence cause of action, all the elements of a negligence cause of action must be established: (1) a legal duty to use due care, (2) breach of that duty, and (3) the breach is the proximate and legal cause of the resulting injury.

True False

4. Under the sophisticated user defense, sophisticated users need not be warned about dangers they are already aware of or should be aware of.

True False

5. One engaged in the business of selling or otherwise distributing product components who sells or distributes a component is subject to liability for harm to persons or property caused by the product the component is integrated into if: (1) the component is defective and the defect causes the harm, or (2) the seller or distributor of the component substantially participates in the integration of the component into the design of the product and the integration of the component causes the product to be defective and the defect in the product causes the harm.

True False

6. The plaintiff has the burden of linking the injury-producing product with the manufacturer in the distribution chain of the product.

True False

7. A manufacturer's duty to warn is limited to its own products.

True False

8. Where the harm is caused by the product of another, and not by any unreasonably dangerous condition or feature of defendant's product, that defendant can bear no liability for failure to warn of harm caused by use of an unreasonably dangerous product.

True False

9. A worker acts in the course of employment while off the employer's premises if engaged in an activity expressly or impliedly authorized by the employer.

True False

10. An injury occurring during the course of an unauthorized departure is compensable.

True False

11. In a case based on discrimination under Labor Code §132a, the injured worker has the burden of proving the detrimental conduct of the employer was related to an industrial injury.

True False

12. In a case based on discrimination under Labor Code §132a, the worker must establish that he or she was singled out for disadvantageous treatment because of an industrial injury.

True False

13. When a physician describes industrial causation as being only a possibility and not medically probable, a compensable injury will not be found.

True False

14. The time limitations for filing a Petition for Writ of Review are jurisdictional, and when a party fails to seek review within the time allotted, both the Appeals Board and the Court of Appeal are without jurisdiction to hear future challenges to the decision.

True False

15. When an injured worker receives a third party settlement during his lifetime, and subsequently sustains an industrial death as a result of the industrial injury, credit is allowed against death benefits for the decedent's recovery in a third party action during his lifetime.

True False

16. If an employee disagrees with the utilization review physician's decision to modify, delay, or deny treatment, the employee can request review by an independent medical evaluator who, after evaluating the evidence, decides whether the sought treatment is necessary.

True False

17. A plaintiff's workers' compensation award of 100% permanent disability is not as a matter of law a legitimate, nondiscriminatory reason for an employer's adverse employment action.

True False

18. Labor Code §4658(d)(2), which requires permanent disability benefits to be increased by 15% if the employer does not offer the injured worker modified or alternative work within 60 days after the worker is found permanent and stationary, is properly raised by the parties by checking the boxes on the pretrial conference statement form labeled "Permanent Disability" and "Apportionment".

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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