

CASES ADDED FROM JUNE CWCR & CCC

Williams v. Volt Workforce Solutions (2026) 54 CWCR 81 (WCAB)

The panel upheld a 76% award with no apportionment because the QME failed to adequately identify the nature of the pre-existing conditions or explain how they caused a portion of applicant's disability to his shoulders and his knee.

Washington v. Time Warner Cable (2026) 54 CWCR 83 (WCAB)

After stips to a left knee injury, applicant filed a petition to reopen and more than 2 years later amended her petition to add the back, psyche, circulatory system and lower extremities. The WCJ denied additional PD because the added body parts bore no relationship to the original injury to left knee. The panel remanded the case in order to develop the record re: possible worsening of the left knee condition.

Paredes v. Santa Barbara Metro Trans Dist (2026) 54 CWCR 84 (WCAB)

Affirming the WCJ's award of 84% PD without apportionment, the panel concluded that 50% apportionment to the low back, 90% to hypertension and 80% to GERD risk factors failed to explain how and why the apportionment was valid and specifically noted that apportionment to risk factors confuses causation of injury with causation of disability.

Jacobowitz v. ProCare Pharmacy dba CVS (2026) 54 CWCR 86 (WCAB)

The panel agreed with the WCJ's award of continuing TD after applicant's retirement from CVS 8 days after her injury. Even though applicant testified at her depo that she intended to completely retire from the labor force, the WCJ accepted her trial testimony that she misspoke at her depo, that she planned to return to work when able to do so, she was working on renewal of her pharmacist's license and was completing the educational requirements necessary to retain her credentials.

Johnson v. Marin Community College Dist. (2026) 54 CWCR 88 (WCAB)

The panel rescinded the WCJ's "take nothing" award, concluding that due process required applicant be allowed to depose the QME based on fact that QME report was signed 12 days before trial date and the depo of the QME had been set 9 days later and 3 days before the trial date. The matter was remanded for further record development.

Shandoan v. WCAB (2026) 91 CCC 527 (CA 4th wd)

The panel held apportionment of PD to a prior award per section 4664(b) applied despite the nonattribution clause in section 4663(e), noting that 4664(b) apportionment involves overlap of disabilities not causation of disability.

City of Seaside v. WCAB (Garcia) (2026) 91 CCC 533 (CA 6th wd)

The panel agreed with WCJ that applicant firefighter was entitled to up to one year of 4850 benefits per injury. Defendant's payment of 4850 benefits in a companion claim did not preclude 4850 benefits in the current claim.

DaVinci Schools v. WCAB (Pina) (2026) 91 CCC 536 (CA2d-wd)

Panel rescinded WCJ's decision because of need for further record development to determine whether landscape work by unlicensed subcontractor required said license, thereby rendering defendant ultimate hirer and presumptive employer under Sections 2750.5 and 2775.

Jet Blue Airways Corp v. WCAB (Chavez) (2026) 91 CCC 538 (CA 2d-wd)

Four minutes after airport worker clocked out, he was struck by a passing vehicle while opening the door of his girlfriend's car. The panel affirmed WCJ's finding that claim not barred by going and coming rule; panel found employee to be subject to special risk exiting premises by necessary access means, citing *General Ins. Co. v. WCAB (Chairez)* (1976)

Cole v. SIBTF 91 CCC 547 (WCAB)

Reversing the WCJ, the panel held that SIBTF was not entitled to credit under Section 4753 against PERS IDR benefits, noting that 4753 applies to credit for payments due to pre-existing disability and not to payments for subsequent injury and SIBTF failed to meet its burden of showing IDR benefits were paid for applicant's pre-existing disability.

Habtes v. United Facility Solutions (2025) 91 CCC 557 (WCAB)

Affirming the WCJ determination that the UR decision was untimely, the panel held that the UR 5 day time limit started on the date the injury was accepted and rejected defendant's contention that because the RFA was issued before acceptance of the injury, a new RFA was necessary. The UR decision having been issued 6 days after acceptance of the injury and thus the WCJ had jurisdiction to determine the need for treatment set forth in the RFA.

Hernandez (dec'd) v. Fresno County Fire Protection District (2026) 91 CCC 568 (WCAB)

Panel affirmed WCJ's determination that the 5412 date of injury was 12/05/17 based on the QME report confirming that 12/05/17 was the first date on which a diagnosis of work-related cancer was known and reported to decedent. The panel rejected defendant's

contention that the date of injury should be determined by Section 5500.5 rather than 5412.

Lopez v. Premier Ag Management (2025) 91 CCC 580 (WCAB)

The panel rescinded and remanded WCJ's finding that applicant did not suffer a "high velocity eye injury" for purpose of receiving additional TD. The panel noted that the record indicated that applicant was hit in eye by vine branch, but there was no discussion in the medical record as to the specific mechanism of injury or whether the injury was high velocity.

Salazar v. Redlands Unified School District (2025) 91 CCC 593 (WCAB)

The panel rescinded the WCJ's decision in which the WCJ found that the reporting of a QME violated Section 4628 and therefore that his reports must be stricken and a replacement panel issued. The panel held that the QME must be provided notice and opportunity to be heard, including notice of the deficiencies in report and WCJ has discretion to allow the QME to address the deficiencies and possibly cure them.

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