

CASES ADDED TO QR FROM MAY CWCR & CCC

Los Angeles Dept of Water and Power v WCAB (France) (2026) 54 CWCR 61 (CA 4th-non pub)

After the WCJ denied applicant's 132a claim and the Board panel reversed, finding that the employer failed to carry its burden, the Court of Appeal agreed with the WCJ and ordered the Board to re-instate the WCJ's initial decision. The court concluded that the Board had ignored evidence favorable to the employer, citing Bracken (1989).

Downing v. Bodega Bay Fire Protection District (2026) 54 CWCR 65 (WCAB)

Affirming the WCJ's finding that applicant firefighter's kidney cancer constituted a "progressive insidious disease", the panel noted that the medical evidence was that there was a 10% chance of recurrence and found that applicant's cancer mostly met the factors in Ruffin v. Olsen Glass Co. (1987)

Jimenez v. Terry Mechanical, Inc. (2026) 54 CWCR 66 (WCAB)

Denying defendant's recon petition, the panel agreed with the WCJ's finding that the overall evidence supported finding applicant's low back condition as a compensable consequence of his calf injury, even though the initial PTP made no mention of the low back for 5 months post-injury. The panel noted that the low back was mentioned and treated thereafter by his new PTP. The panel commented that industrial causation need only be established by reasonable casual connection, citing McAllister (1968).

Murillo v. Snyder Industries (2026) 54 CWCR 68 (WCAB)

After 11% low back PD stips with future medical, including a provision waiving both parties right to a future QME, defendant, more than 5 years after the date of injury, objected to a PTP report and obtained a QME through the panel process. The panel upheld the WCJ's ruling that the QME panel was invalid and also referenced the parties stipulation precluding use of a QME. The panel also commented that the Board's jurisdiction only applies to specific treatment requests and whether they are reasonable and only if a utilization review has occurred and it is untimely, citing Dubon (2014), none of which occurred here.

Loyola v. Storyteller Children's Center (2026) 54 CWCR 69 (WCAB)

A board panel granted recon and agreed with the WCJ that applicant had sustained a new and further disability within 5 years of the date of injury based on an increase need for

treatment. Thus, finding good cause to reopen, under Section 5400, the panel deferred issues of PD as possibly greater than the 43% award and apportionment.

Allen v. Butte-Glenn Community College Dist. (2026) 54 CWCR 71 (WCAB)

A split panel rescinded a finding of no psych injury because the opinions of the QME, finding 25% industrial causation, were not substantial evidence based upon the lack of reasoning explaining the causative factors alleged to have caused the injury, the reliance on an incorrect history and an incomplete record.

Kunert v. Lancaster School District (2026) 54 CWCR 72 (WCAB)

Applicant having filed a timely petition to reopen both prior cases (22% and 19% PD), defendant filed a motion to dismiss and requested a trial on that issue. Before trial, applicant was re-evaluated by the QME who found no change, but in a later supplemental report indicated that if there were an issue of new and further PD, a re-evaluation was recommended. Thus, the panel affirmed the WCJ's granting of further discovery in spite of the fact that no medical evidence of worsening exists.

Mosquedo v. Unemployment Ins. Appeals Board (2026) 54 CWCR 73 (WCAB)

Late payment (86 days) of medical billing does not, alone, constitute 'bad faith', per the WCJ and the panel. The WCJ, after trial, found the delay to be unintentional and noted that it was corrected by payment of \$2000 in penalty and interest 3 weeks after payment of the medical bill. There was no indication that the delay was intentional or designed to frustrate the claims process.

Koos Manufacturing, Inc. v. WCAB (Torres)(2026) 91 CCC 479 (CA 4th-wd)

Panel found compensable psych injury and concluded that employer failed to establish good faith personnel action defense because said personnel action caused only 20% of psych injury and QME's opinion constituted substantial medical evidence despite omissions in personal history.

Torres v. WCAB (2026) 91 CCC 482 (CA 5th-wd)

Panel affirmed WCJ's finding that applicant deputy sheriff was not entitled to 4850 pay instead of TD payments for attending two QME appointments because applicant was not labor-disabled at time of said exams.

Carillo v. City of Salinas (2025) 91 CCC 490 (WCAB)

Panel affirmed WCJ's award of 100% PD for applicant firefighter's multiple claims, which included cardiac issues in each of applicant's claims and rejected defendant's reliance on Section 4664 and Benson (2009), citing Santiago (2022) and Delia (2010) decisions, where 2 or more presumptive injuries contributed to PD a joint award is appropriate, even if non-presumptive body parts are involved. The panel also commented that applicant's psych disability in each case was, per the medical evidence, inextricably intertwined, thereby falling under the Benson exception which states that where aspects of disability are intertwined, they cannot reasonably be parceled out between injuries.

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