

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION  
WORKERS' COMPENSATION APPEALS BOARD

JOSE MANUEL MORA,	)	CASE NO. ADJ 7939627-MF and
	)	ADJ 8628783
Applicant,	)	
	)	Marina del Rey District Office
vs.	)	
	)	MINUTES OF HEARING
LENNOX UNIFIED SCHOOL	)	(FURTHER)
DISTRICT, Permissibly	)	AND
Self-Insured, Administered	)	SUMMARY OF EVIDENCE
by YORK,	)	
	)	
Defendants.	)	
	)	

LOCATION: Marina del Rey, California  
DATE AND TIME: February 10, 2016; 9:37 a.m. to 11:53 a.m.  
and 2:05 p.m. to 2:23 p.m.

JUDGE: The Honorable JACQUELINE WALKER  
REPORTER: Merry Tinti

APPEARANCES: Applicant Present - In Propria Persona

HAYFORD & FELCHLIN, LLP  
By: GIOVANNI VALENCIA  
Attorney at Law  
Attorneys for Defendants

ALSO PRESENT: JOSE FRANCO

WITNESSES: JOSE MANUEL MORA

DISPOSITION: This matter will be submitted on the issues of development of the record and additional discovery (additional updated records). All other issues will be taken off calendar and deferred. This WCJ will issue her Order within 20 days.

(43 pgs. est.)

1    ADDITIONAL ISSUE:

2    16. Whether development of the record is required in order to  
3    obtain additional or updated records.

4  
5    EXHIBITS:

6    Applicant's 81 - Letter from York to L.A. Medical Mediwave,  
7    Inc., dated 8/29/2012.

8    Applicant's 82 - Extracorporeal Shockwave Procedure Report  
9    from L.A. Mediwave, Giuseppe Moro, D.C., dated 1/31/2012.

10   Applicant's 83 - Medical report from Dr. Mayer Schames with  
11   the Utilization Review Request, dated 12/21/2012.

12   Applicant's 84 - Letter from the Dental Trauma Center to  
13   Los Angeles School District/Lennox, dated 10/19/2012, along  
14   with an excerpt from a journal entitled "Standards for History,  
15   Examination, Diagnosis, and Treatment of TMD."

16   Applicant's 85 - Utilization Review Request from The Dental  
17   Trauma Center, dated 2/1/2013, which includes a report and a  
18   discussion of the appropriateness of the treatment being  
19   requested.

20   Applicant's 86 - Medical report from Dr. Schames, dated  
21   2/1/2013.

22   Applicant's 87 - Medical report from Dr. Schames, dated  
23   2/14/2013.

24   Applicant's 88 - Comprehensive Outpatient Surgery Center  
25   (Dr. Grant Williams), dated 2/13/2012.

26   Applicant's 89 - Medical report from Dr. Grant Williams,  
27   dated 2/27/2012.

28   Applicant's 90 - PR-2 and an Initial Assessment from  
29   Dr. Ronald Zlotolow, dated 9/20/2012 through 9/30/2012.

30   Applicant's 91 - Treatment Plan Notes from Eric Gofnung,  
31   D.C., dated 11/19/2012 through 12/12/2012.

32   Applicant's 92 - Medical report from Dr. Grant Williams,  
33   dated 8/7/2012.

34   ///

1 Applicant's 93 - Medical report from William Kaiser, dated  
8/7/2012.

2

3 Applicant's 94 - Treating Physician's Report of Disability  
Status from Dr. Thomas Curtis, dated 7/9/2012 and 10/15/2012.

4

5 Applicant's 95 - PR-2 reports from Dr. Thomas Curtis, dated  
7/9/2012 and 10/15/2012.

6

7 Applicant's 96 - Medical report from Dr. Thomas Curtis, dated  
9/17/2013, with the bill attached.

8

9 Applicant's 97 - Medical report from Dr. William Kaiser,  
dated 7/25/2013.

10

11 Applicant's 98 - Medical report from Dr. William Kaiser,  
dated 6/25/2015, with the signature page missing.

12

13 Applicant's 99 - Medical report, Authorization for Release of  
Medical Records and Designation of Primary Treating Physician  
from Dr. Eric Gofnung, dated 9/22/2011.

14

15 Applicant's 100 - Medical report from Dr. Gofnung, dated  
10/17/2011.

16

17 Applicant's 101 - Medical report from Dr. Gofnung, dated  
11/16/2011.

18

19 Applicant's 102 - Medical report from Dr. Gofnung, dated  
11/26/2012.

20

21 Applicant's 103 - Medical report from Dr. Gofnung, dated  
1/6/2012.

22

23 Applicant's 104 - Medical report from Dr. Gofnung, dated  
3/19/2012.

24

25 Applicant's 105 - Medical report from Dr. Gofnung, dated  
6/15/2012.

26

27 Applicant's 106 - Letter from Dr. Gofnung to Dr. Zlotolow,  
dated 7/11/2012.

28

29 Applicant's 107 - Medical report from Dr. Gofnung, dated  
1/11/2013.

30

31 Applicant's 108 - Medical report from Dr. Gofnung, dated  
4/23/2013.

32

33 ///

1 Applicant's 109 - Medical report from Dr. Gofnung, dated  
8/9/2013.

2 Applicant's 110 - Medical report from Dr. Gofnung, dated  
3 10/2/2013.

4 Applicant's 111 - Medical report from Dr. Gofnung, dated  
10/8/2013.

5 Applicant's 112 - Medical report from Dr. Gofnung, dated  
6 11/22/2013.

7 Applicant's 113 - Medical report from Dr. Gofnung, dated  
12/2/2013.

8 Applicant's 114 - Medical report from Dr. Gofnung, dated  
9 1/10/2014.

10 Applicant's 115 - Medical report from Dr. Gofnung, dated  
6/13/2014.

11 Applicant's 116 - Comprehensive Outpatient Surgery Center  
12 (Dr. Grant Williams), dated 2/13/2012.

13 Applicant's 117 - Letter from applicant to York regarding a  
Request for a Report from Dr. Zlotolow, with a received date of  
14 10/16/2012.

15 Applicant's 118 - Initial Assessment from Dr. Zlotolow, dated  
9/20/2012.

16 Applicant's 119 - Surgical Consultation Report from  
17 Dr. Moussa Moshfegh, dated 2/16/2012.

18 Applicant's 120 - Part 1 of the subpoenaed records from  
Gofnung Chiropractic Corporation, subpoena is dated 10/31/2011.

19 Applicant's 121 - Part 2 of the subpoenaed records from  
20 Gofnung Chiropractic Corporation, subpoena is dated 10/31/2011.

21 Applicant's 122 - Subpoenaed records from Southern California  
Permanente Medical Group, Cadillac location, subpoena is dated  
22 10/31/2011.

23 Applicant's 123 (inadvertently not read into the record at  
trial) - Letter from Dr. Gofnung to Dr. Massihi, dated  
24 9/17/2013.

25 Defendant's A - Wage statement, dated 8/8/2011.

1 Defendant's B - Notice Regarding Permanent Disability  
2 Benefits Payment Start and Termination from York, dated  
9/9/2015.

3 LET THE MINUTES REFLECT that apart from evidentiary  
4 value of the exhibits, the defendants have no objections to  
Applicant's Exhibits 81 to 121. They will be admitted into  
evidence.

5  
6 LET THE MINUTES REFLECT that Applicant's Exhibit 122  
is admitted into evidence with the caveat that the defendants  
7 have indicated that they're objecting only to the extent that  
they're not sure if all records being offered are the complete  
8 records sent. Defendant's objection is a valid objection and  
this WCJ will try to determine if the records appear to be  
complete or to the best of her ability based upon other medical  
9 reports that may have reviewed the records. If this WCJ  
determines that the records are incomplete, she will take  
10 additional action which may be an order for a new set of  
records.

11 \* \* \* \* \*

12 SUMMARY OF EVIDENCE

13 JOSE MANUEL MORA

14 was called by applicant,  
15 sworn, and testified  
16 substantially as follows:

17 EXAMINATION BY THE WCJ:

18 The applicant testified that he has not been employed  
since July 29, 2011. He saw a number of different doctors, but  
19 Dr. Gofnung is his primary treating physician. He also recalls  
seeing Dr. Glaser and Dr. Sohn, who were the Agreed Medical  
20 Examiners. There was a problem with their reports because the  
records did not pertain to applicant. The other individual had  
a different social security number, address, and 77 things that  
21 were different from himself.

22 When he worked for Lennox Unified School District, he  
worked both as a custodian and in maintenance. As a custodian,  
23 he started before 12:00, and he was supposed to end around  
8:30 p.m., but he often ended later. His job responsibilities  
24 included cleaning the tables, benches, picking up trash,  
emptying the trash, replacing the bags for the cans. He said  
25 the cans had a 50-gallon capacity. After the kids would eat at

1 Moffett School, which is an elementary school, he would also  
2 clean the tables and the benches, sweep, mop, and then he would  
3 go inside the kitchen where he removed the plastic mats from  
the floor. He would clean the floors and mop, and then he  
would take the big container of trash to the dumpster.

4 He worked in different areas in the school, which he  
5 described as the 50 area, the 40 area, the 30 area, and the  
6 20 area. In Area 50, where the classrooms are, he would pick  
up the trash with the 50-gallon container and take it to the  
7 big dumpsters to dump. The 50-gallon container had wheels. He  
8 would also be responsible for cleaning the bathrooms, which  
included the sink, the wall, and floors, picking up paper, and  
mopping and removing any excrement that may be on the walls and  
other places in the bathroom.

9 At 3:00 p.m., he moved to a different area, which he  
10 initially said was the 30's area, where he would pick up the  
big trash, vacuum, and replace the trash container. Then he  
11 would have to be responsible for locking bars, and then he  
would go back to the 50's area and lock the gate and empty more  
12 trash. If there were toys in the area, he would put the toys  
in the storage and lock the place. He would then return to  
13 pick up more trash, vacuum, clean the bathrooms, which in that  
area were two little ones for the children and one for the  
14 adults. He would then again clean everything, toilets and the  
floor, mop, change out the toilet paper and the paper towels.  
15 After mopping, he would return his supplies to the supplies  
area, which required him to take back the mop and the bucket,  
and he would lock everything up.

16 He then would go inside to Area 30's and 20's and do  
17 the same thing, removing the trash and cleaning the floor,  
which sometimes would have mud and dirt on it, and vacuum.  
18 Again, in the bathrooms, he would replace the paper towels and  
the toilet paper. He was also responsible for cleaning up the  
19 hallways and bringing all the trash back out. It would require  
him to go up steps to the cafeteria, where again he would empty  
20 the trash and put things in the big dumpster. His job was to  
leave everything clean. He stated that he never finished at  
21 8:30 p.m. It was more like 9:00 or 9:30 p.m. The only time he  
would finish on time was when the school had a shortened day,  
22 which was on Wednesday.

23 He described his job with the department of  
24 maintenance where he was responsible for fixing the roof, the  
leaks in the roof. It required him to utilize four- or  
25 five-gallon cans of roof cement to repair the leaks. He would  
do this on all the schools. It would also require him to

1 utilize a ladder; and to reach the secondary roof, he would  
2 have to utilize a fiberglass ladder. He would also fix the air  
3 conditioner by replacing the filters. He would also have to  
4 bring in a compressor and a nail gun. He was required to  
5 remove carpets that had been adhered to the ground or floor  
6 with adhesive. He said he changed about 150 acoustic ceiling  
7 panels. He was required to paint inside and out. He did this  
8 in six classrooms, which he said were 1,000 square feet. He  
9 also opened trenches using a shovel and moved dirt from one  
10 place to another. He would use a spray gun to paint, as well  
11 as a water blaster and compressor.

12 He was responsible for cleaning the storage room. He  
13 would have to clean out the paint, which was both oil- and  
14 water-based, bring all the things out, the machines and the  
15 tools. He had to arrange the snake in a circular fashion so  
16 that it could be stored using less space. He was responsible  
17 for moving furniture, cabinets, tables, TVs, chairs,  
18 projectors, boxes of books from classrooms, and the surplus  
19 from the schools to the storage room of the school district  
20 office. He would have to carry solid-core doors and help  
21 reorganize or organize the rooms, bringing out the items. He  
22 would stack tables, which were solid-core tables. He would be  
23 required to bring them up and down steps. He also had to clean  
24 out things and take trash to the dumpsters. At one point, he  
25 had to move 20 pieces of plywood that were soaked due to  
rainwater.

He also had to move a Xerox machine. He indicated  
that that was part of the reason why he injured his low back.

\* \* \* \* \*

#### P.M. SESSION

\* \* \* \* \*

#### EXAMINATION (CONTINUED) BY THE WCJ:

The applicant recalls the Dr. Glaser and Dr. Sohn  
reports. He read them, and he agrees that some of the records  
that they reviewed did not pertain to him. They pertained to  
another Mr. Mora and his son, Jose Mora, Jr. He stated that  
he's trying to get the records corrected and get them to  
re-issue their opinions. He has been begging to get the  
records corrected. He particularly would like Dr. Sohn to  
re-review the records and not use words like "apparently." He  
wants him to review all the records. He wants to make sure he  
sees all the MRIs, the echocardiograms, the ultrasounds, and

1 evaluation reports.

2 He said the psychiatrist had 19 false statements about  
3 him, and he said the doctor signed it on the same day that he  
4 did the evaluation, and he saw him the next day, so he's not  
5 sure why he signed it for the same day of the initial  
6 evaluation. Also, he pointed out that Dr. Sohn, in his report,  
7 addressed him as a woman, which he is not.

8 CROSS-EXAMINATION BY MR. VALENCIA:

9 The applicant has also been known as Jose Velarde in  
10 1986. He used a different social security number to obtain  
11 employment to feed his family. His social security number is  
12 614-12-1752. He used the other number when he was working at  
13 the Marriott Hotel. He cannot provide the second number that  
14 he used because he doesn't have it. He said that the defense  
15 firm, Hayford & Felchlin, were sending in a request for his  
16 second social security number.

17 He did see the records that the doctors reviewed in  
18 error. Those are not the right records.

19 \* \* \* \* \*

20 JACQUELINE WALKER  
21 Workers' Compensation  
22 Administrative Law Judge  
23  
24  
25



STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF WORKERS' COMPENSATION

02-18-2016

**Proof of Service for 2/10/16 MOH (Further)/SOE**

**Case Numbers:** ADJ7939627 and ADJ8628783

HAYFORD FELCHLIN      Law Firm, 3055 WILSHIRE BLVD STE 750 LOS ANGELES CA 90010  
LOS ANGELES

JOSE MANUEL MORA      Injured Worker, 4223 W 106TH ST LENNOX CA 90304

2/10/16 MINUTES OF HEARING (Further)/SUMMARY OF EVIDENCE  
FILED AND SERVED VIA U.S. MAIL OR E-MAIL ON  
COUNSEL AND PARTIES AS SHOWN ABOVE

Date: 2/18/16

By: Merry Tinti

*Merry Tinti*