

CAUSALITY ANALYSIS OF INJURY:

Bearing in mind the Bradford-Hill Criteria and therein the “**aspects of association**” and to the standard of reasonable medical probability, the following scenarios are the most plausible explanations of the symptom development associated with the alleged mechanism of injury, as related to me, by Ms. Grande.

Side Note: Given 31+years as a State Qualified Medical Evaluator, and having served the Department of Industrial Relations, in 1993-94, as a Subject Matter Expert, chairing the panel in Northern California that comprised the QME Competency Examination, I have yet to see such a case where I am charged with a determination of compensable cumulative injury spanning 21-years, yet only receiving “2” medical records upon which to make a causative analysis, and one that would comply with reasonable medical probability based on substantial medical evidence.

Strength of Association: According to literature strong association/associations are certainly more likely to be viewed as causal than those which are weak. However, a small association does not mean that there is not a causal effect, the larger the association the more likely that it is causal in nature.

Viewing this injured worker as a credible historian, and where no records have been reviewed that would lead a reasonable medical-legal evaluator to a different conclusory finding, the history as depicted favors a “specific” acute, macrotraumatic, mechanical injury of February 09, 2021, causing what appears to be, a rotator cuff injury to the left shoulder, arising from and occurring during his usual and customary employment at Alton Management Corporation, awkwardly manipulating a lawn mower. Thus, the strength of associated factors is in substantial conformity with AOE.COE doctrine.

Regarding the filing for cumulative injuries arising out of said employment, and reminding both parties, and informing the Trier of Fact, no Job Description has been provided for this injured worker, although referred to in Defendants Cover Letter as a Groundskeeper.

As I thoroughly reviewed the PTP POR-2 report from Dr. Khoung, and in particular the memorialized imaging studies, it is abundantly clear that this injured worker has significant degenerative, wear-and-tear, to multiple body parts and regions, the extent of which is among the most graphic I have been privy to, spanning the 42+years I have served the public, amassing 7, 000+ individual patient files between 1983 and 2008, as well as several thousand medical-legal evaluations as a QME, and as a Civil Litigation Expert Witness. It begs the questions, absent some bizarre genetic condition, or numerous external macrotraumatic injuries, which are denied by the injured worker, how otherwise did he come to have such notable degenerative pathologies in the regions now claimed as being injured cumulatively, I say that absent records to the contrary, the strength of association reasonable favors such through the arduous nature of his work spanning April 01, 1998 through February 09, 2021?

Consistency: This concept indicates that the same answers could be achieved in a variety of different situations, prospectively and retrospectively, and within different populations.

Mr. Grande presents with a stated history pertaining to February 09, 2021, which is consistent macrotraumatic left shoulder girdle injury, and no evidence to the contrary has been reviewed.

Regarding cumulative injury complaints, absent history of external physical trauma, genetic illnesses/pathologies, or some acquired disease process, his claims for cumulative neck, both shoulders, both wrists, mid-back and lower back, are consistent with repetitive arduous physical labor, resulting in wear-and-tear on the soft-tissues and articulations, day-by-day, year-after-year.