

2018 Cal. Wrk. Comp. LEXIS 68

Court of Appeal, Second Appellate District, Division Two

July 10, 2018 Writ of Review Denied

Civil No. B289778

Reporter

2018 Cal. Wrk. Comp. LEXIS 68 *

Charlotte Hornets, Miami Heat, TIG/Fairmont Premier Insurance Company administered by Zenith Insurance Company, Petitioners v. Workers' Compensation Appeals Board, Charles Smith, Respondents

Prior History:

[*1]

W.C.A.B. No. ADJ8025440—WCJ Richard Brennen (ANA); WCAB Panel: Chair Zalewski, Deputy Commissioner Garcia, Commissioner Sweeney

Disposition: Petition for writ of review denied

Headnotes

CALIFORNIA COMPENSATION CASES HEADNOTES

Permanent Disability—Indemnity Rate—Cumulative Injury—WCAB affirmed WCJ's finding that applicant, who suffered cumulative injury while employed as professional basketball player by various teams between 1/1/90 and 7/1/2002, had 9/19/2011 date of injury pursuant to Labor Code § 5412, based on concurrence of applicant's disability and date applicant knew disability was caused by his employment, and was entitled to permanent disability indemnity rate in effect on that date rather than rates in effect on 7/31/2002, which was date applicant's disability became permanent and stationary, because date of injury under Labor Code § 5412 governs indemnity rate.

Counsel

For petitioners—Chernow & Lieb, by Tom Valentine

For respondent employee—Glenn, Stuckey & Partners, by Everett Glenn and Shawn D. Stuckey

Opinion Summaries, headnotes, tables, other editorial features, classification headings for headnotes, and related references and statements prepared by LexisNexis™, Copyright © 2018 Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved.