

STATE OF CALIFORNIA
Division of Workers' Compensation
Workers' Compensation Appeals Board

Case No. ADJ9910337

RAFAEL SANDOVAL,

Applicant,

vs.

**THE CONCO COMPANIES;
ATHENS ADMINISTRATORS CONCORD;**

Defendants.

FINDINGS, AWARD AND ORDER

The above entitled matter having been heard and regularly submitted, the Honorable James Griffin, Workers' Compensation Administrative Law Judge, now decides as follows:

FINDINGS OF FACT

- 1) Rafael Sandoval, born on June 27, 1964, while employed on January 23, 2015 as an iron worker at Sunnyvale, California by The Conco Companies, sustained injury arising out of and occurring in the course of employment to his cervical spine and lumbar spine.
- 2) At the time of injury, the employer's workers' compensation carrier was Zurich Insurance.
- 3) At the time of injury, earnings were sufficient to warrant an indemnity rate of \$950.46 per week for temporary disability pursuant to a prior stipulation of December 12, 2016, and \$290.00 for permanent partial disability.
- 4) The carrier/employer has paid temporary disability at the rate of \$950.46 per week from March 3, 2015 through September 13, 2016, and permanent disability at \$290.00 per week from August 18, 2016 to the present date and

continuing, indefinitely thereafter.

- 5) Applicant became permanent and stationary on August 18, 2016.
- 6) Applicant's injury caused permanent disability of 100%.
- 7) Applicant is entitled to further medical treatment to cure or relieve from the effects of his injury.
- 8) Applicant's attorney is entitled to a fee of 15% of the present value of the award of permanent disability awarded herein.
- 9) There is no basis for defendant's objection to the admissibility of the report of applicant's vocational expert, Eugene Van de Bittner.

AWARD

AWARD IS MADE in favor of RAFAEL SANDOVAL and against THE CONCO COMPANIES and ZURICH INSURANCE CO. adjusted by ATHENS ADMINISTRATORS as follows:

- A) Permanent total disability of 100%, with permanent total disability indemnity benefits payable at the weekly rate of \$950.46, beginning on August 18, 2016, 2015, and subject to COLA increases pursuant to Labor Code section 4659(c), less credit for benefits previously paid, and less 15% to be withheld pending an award of attorney fees after the filing of a supplemental petition requesting such award; and
- B) Further medical treatment.

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ORDER

IT IS ORDERED that the cost of the report of Eugene Van de Bittner is allowed as a reasonable cost, in an amount to be adjusted by the parties, with jurisdiction reserved.

Dated: September 21, 2017



**JAMES GRIFFIN
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE**

SERVICE:

ON: **9/21/17** BY: *Lify Acosta*

PARTIES:

APPEL LAW WALNUT CREEK, US Mail
ATHENS ADMINISTRATORS CONCORD, US Mail
RAFAEL SANDOVAL, US Mail
SAMUELSEN GONZALEZ BURLINGAME, US Mail