

## CALIFORNIA APPEALS COURT UPHOLDS GUZMAN WORKER' COMP DECISION

California's Sixth District Court of Appeal has affirmed the Workers' Compensation Appeals Board decision in *Milpitas Unified School District v. WCAB and Joyce Guzman*, allowed physicians to apply any part of the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition (AMA Guides) that most accurately reflects the injured employee's impairment, instead of being limited to the recommended chapter and rating for an industrial injury designated by the 2005 Schedule for Rating Permanent Disabilities (PDRS). While the PDRS is rebuttable, the decision holds that "it


is not permissible to go outside the four corners of the AMA Guides."

"We conclude that the language of section 4660 permits reliance on the entire Guides, including the instructions on the use of clinical judgment, in deriving an impairment that may be experienced by injured employees. To accommodate those complex or extraordinary cases, it calls for the physician's exercise of clinical judgment to evaluate the impairment most



accurately, even if that is possible only by resorting to comparable conditions described in the Guides."

The defense said the decision is likely to increase permanent disability awards.


Yet the Appeals Court said, "The abuses the District and its amici envision are not inevitable outcomes of the WCAB's decision, however." 

## Car Thieves Covet Western Rides

Representing a departure from recent years, California took a backseat to Texas on the list of U.S. auto theft hotbeds. In 2008, NICB observed an uptick in the number of thefts that occurred in Texas MSAs of El Paso, Laredo, and San Anselmo. The trend was worth noting, as Laredo now experiences the highest number of thefts of any MSA in the country. Californians may nevertheless find little solace, given the fact that Modesto and Bakersfield (among other cities) continue to be targeted by car thieves.

The 10 MSA's with highest vehicle theft rates in 2009 are as follows:

2009 Ranking	2008 Ranking
1. Laredo, TX	2
2. Modesto, CA	1
3. Bakersfield, CA	5
4. Stockton, CA	6
5. Fresno, CA	10
6. Yakima, WA	3
7. San Francisco, Oakland Fremont, CA	9
8. Visalia/Porterville, CA	11
9. Las Vegas/Paradise, NV	7
10. Albuquerque, NM	8

More comprehensive "Hot Spots" statistics may be accessed at [www.nicb.org](http://www.nicb.org). 

## INSURANCE AWARD GOES TO THE DOGS

A Labrador retriever that consumed a pesticide-soaked beehive containing thousands of dead bees – and lived – has something else to gnaw on: this year's Veterinary Pet Insurance Co.'s Hambone Award.




The Brea, CA-based company awards its annual trophy to the most unusual pet insurance claim of the year. Nearly 3,000 people visited VIP's website during the first two weeks of August to choose among a dozen nominees for the bronze trophy.

The insurer, a unit of Nationwide Mutual Insurance Co., named its award in honor of an insured doggie that got stuck in a refrigerator and consumed an entire Thanksgiving ham before being found suffering from a mild case of hypothermia.

The dog licked the hambone clean, VPI said.

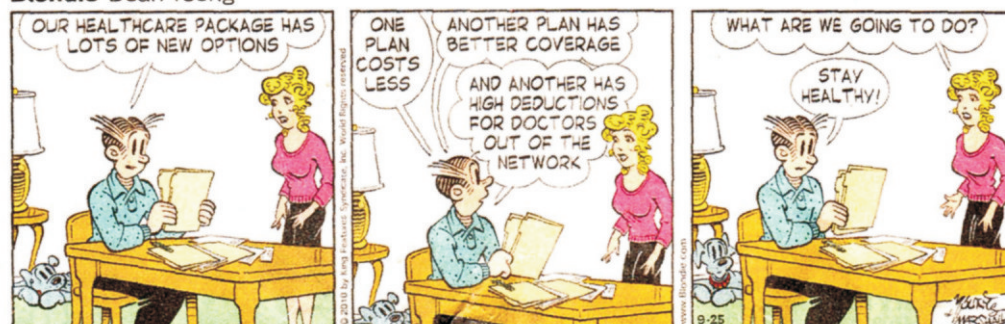
Ellie, this year's winner, also is a voracious pet. The young Labrador from Santee, CA also has consumed wooden toy train tracks and laptop computer keys.

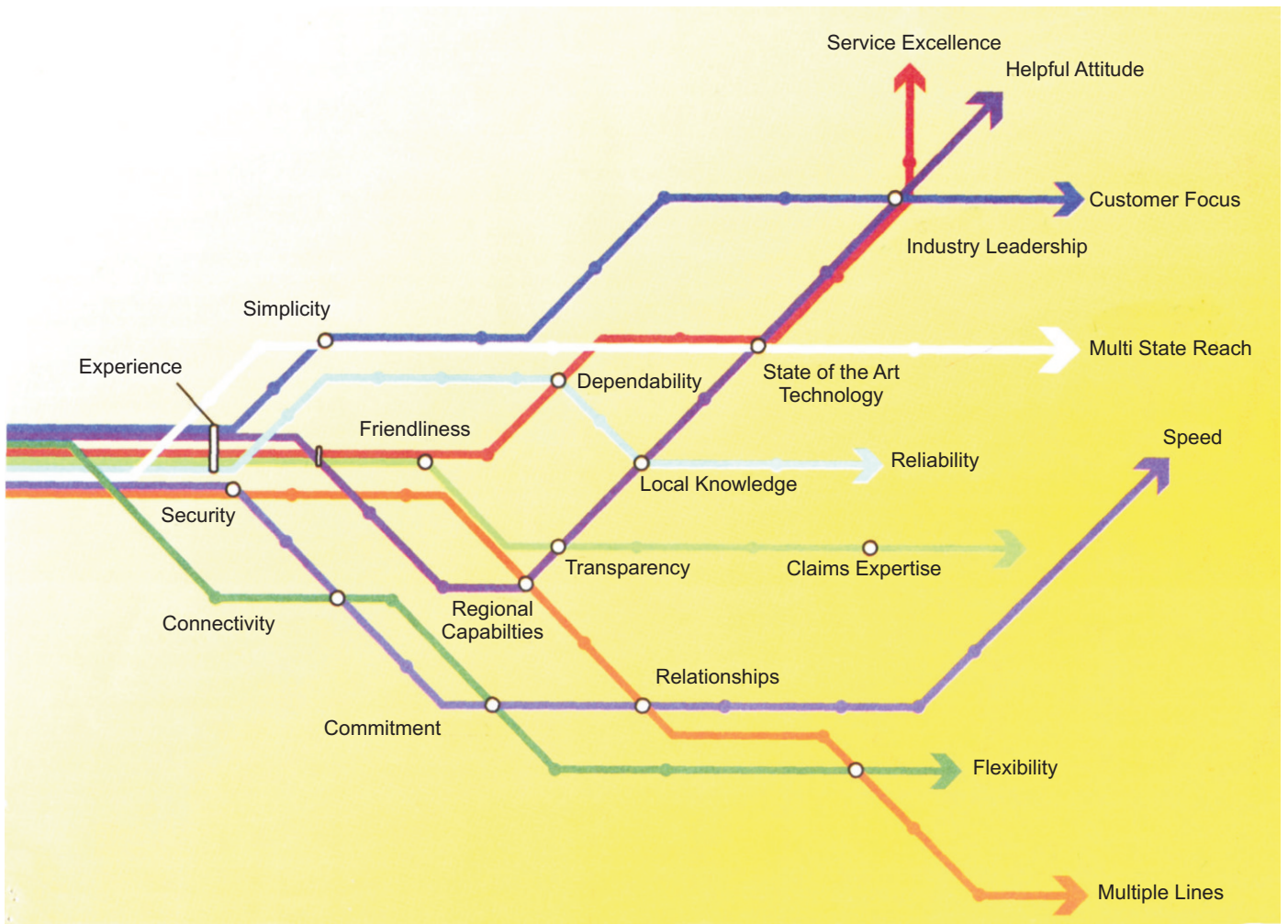
"So the beehive was just another culinary adventure for this insatiable pooch," VPI said in a statement. "Unfortunately for Ellie, the recently sprayed beehive was full of pesticides and thousands of dead bees, and that combination sent her to the veterinary hospital." But after a veterinarian administered anti-nausea medication, Ellie went home to meals of chicken and rice.

A border collie that leaped through a window to reach a mailman garnered the second-place award, and a terrier that tried to bite a running chain saw won third place. 

## Comedy Corner

Blondie Dean Young





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