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The Workers' Compensation Appeals Board (WCAB) issued an EN BANC decision on payment of interpreter liens

This is an opinion and decision after reconsideration (EN BANC) of the WCAB

This is a very significant case for Workers' Compensation principles in that it discusses the current case law.

The applicant sustained an admitted injury. The case in chief was settled by Compromise and Release (C&R). An interpreter's lien was not settled in the C&R and the lien reimbursement was eventually tried before a Workers' Compensation Judge (WCJ).

The WCJ noted that the lien involved interpreting for work conditioning, physical therapy beyond the 24-visit cap, and interpreters that were not certified.

No testimony was taken at trial and defendant argued that interpreter services were only allowed for medical-legal expenses or evaluations. The WCJ found only that the initial and final evaluations with the primary treating physician were allowable for interpreter reimbursement.

The interpreter petitioned for reconsideration. The WCAB indicated that although there are a wealth of statutes on interpreter services there is no authority directly applicable to medical treatment. They found the employer is required to provide interpreter services during medical treatment if the injured work cannot speak, understand or communicate in English.

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