

INTER - OFFICE MEMORANDUM

TO: ALL ATTORNEYS/ALL OFFICES/CLIENTS

FROM: JOE TRUCE

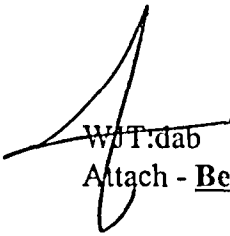
DATE: February 28, 2003

RE: **WEIGHT LOSS FOR THE PURPOSE OF UNDERGOING SURGERY DOES NOT REQUIRE THE PAYMENT OF TEMPORARY DISABILITY**

In the case of John W. Beckett, Sr. v. Workers' Compensation Appeals Board, Mitchell Towing Service, writ denied, a panel of the Appeals Board found that an injured worker is considered to be permanent and stationary even though his treating doctor finds that in order to undergo surgery, an injured worker must lose weight through a weight loss program.

How many times have we received medical reports from applicant's treating physicians indicating that an injured worker is considered to be temporarily totally disabled while he undergoes a weight loss program so that he can undergo surgery.

In the Beckett case the Board held that even though the applicant was in need of a dramatic weight loss before undergoing spinal surgery, the Board held that until undergoing said surgery the applicant remained permanent and stationary.


WJT:dab

Attach - Beckett