

INTER - OFFICE MEMORANDUM

TO: TO ALL ATTORNEYS/ALL OFFICES/CLIENTS

FROM: JOE TRUCE

DATE: December 11, 2001

RE: PAYMENT OF TEMPORARY DISABILITY INDEMNITY
FOR TIME LOST FROM WORK WHILE UNDERGOING
MEDICAL TREATMENT

Important- please note: This is a follow-up to my memo of November 14, 2001 which analyzed the Court of Appeal Decision in the case of **State of California, Department of Rehabilitation v. WCAB** in which the Court of Appeal held that after an injured worker became permanent and stationary, there was no legal requirement for the defendant to pay temporary disability benefits for wages lost from work during the periods that the applicant was undergoing medical treatment.

However, the California Supreme Court has now unanimously granted review of the Court of Appeal Decision in this case and since the Supreme Court has granted review the Court of Appeal Decision cannot be cited as judicial authority.

However, simply because the Supreme Court grants review it does not necessarily mean that they are going to reverse the lower court.

We will keep everyone advised

