

RE: Berta Alonso; 004351-003900-WC-01_PQME report received_

Julie Hall <Julie_Hall@gbtpa.com>

Mon 8/31/2020 10:18 AM

To: Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>

VALIDATE: sanity check; 1) sender email suffix logical?; 2) language spelling/context appropriate? consider clicking if; immediately following a meeting/discussion. Research further if; 1) sent out of the blue even from a trusted person; 2) suspicious link content. **SUSPICIOUS:** create new message to sender, do not reply, and seek validation if suspicious. Trusted sender? add them to our trusted list, <https://tsc.fyi/TrustedSender>

8/18/20

Julie Hall | Sr. Resolution Manager | Gallagher Bassett

Reporting Branch: Sacramento West (11) Office Location: Sacramento, CA

Mailing Address: PO Box 2934, Clinton IA 52733-2934

D: 916-576-4491 | **O:** 916-929-7581 | **F:** 916-929-3791**E:** julie_hall@gbtpa.comAlternate Point of Contact: Heather_cisneros@gbtpa.com 916-576-4525

From: Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>**Sent:** Monday, August 31, 2020 9:34 AM**To:** Julie Hall <Julie_Hall@gbtpa.com>; HS Workers Comp <hswc@theservicecompanies.com>**Subject:** Re: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

Hi Julie,

Awesome! Do you have the date it closed so I can update our system?

Marisela DelaCruz

Senior Human Resources Generalist, Hospitality Services

The Service Companies

303 Hegenberger Rd. - Suite 300 | Oakland, CA 94621

O: 415.813.6688 **M:** 415.940.9254**E:** marisela.delacruz@theservicecompanies.com

From: Julie Hall <Julie_Hall@gbtpa.com>**Sent:** Monday, August 31, 2020 9:19 AM**To:** Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>; HS Workers Comp <hswc@theservicecompanies.com>

Cc: HS Workers Comp <hswc@theservicecompanies.com>

Subject: RE: Berta Alonso; 004351-003900-WC-01_PQME report received_

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It is closed as finalized by C&R. ☺

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E: julie_hall@gbtpa.com

Alternate Point of Contact: Heather_cisneros@gbtpa.com 916-576-4525

From: Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>

Sent: Monday, August 31, 2020 8:39 AM

To: Julie Hall <Julie_Hall@gbtpa.com>; HS Workers Comp <hswc@theservicecompanies.com>

Cc: HS Workers Comp <hswc@theservicecompanies.com>

Subject: Re: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

Hi Julie,

What's the status of Berta Alonso's claim? Is it close to a resolution?

Marisela DelaCruz


Senior Human Resources Generalist, Hospitality Services

The Service Companies

303 Hegenberger Rd. - Suite 300 | Oakland, CA 94621

O: 415.813.6688 **M:** 415.940.9254

E: marisela.delacruz@theservicecompanies.com

 [Image removed by sender.](#)

From: Julie Hall <Julie_Hall@gbtpa.com>

Sent: Wednesday, February 19, 2020 10:32 AM

To: Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>; Ilisa Juried <Ilisa.Juried@theservicecompanies.com>; shannon.galary <shannon.galary@theservicecompanies.com>

Cc: HS Workers Comp <hswc@theservicecompanies.com>

Subject: RE: Berta Alonso; 004351-003900-WC-01_PQME report received_

Ok, let me know if you hear something. thanks

Gallagher Bassett is committed to delivering exceptional service and we are here to help.

Please contact my supervisor Mark_Garcia@gbtpa.com with any questions.

Julie Hall | Sr. Resolution Manager | Gallagher Bassett

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E: julie_hall@gbtpa.com

Alternate Point of Contact: mark_garcia@gbtpa.com 916-576-4487 or ruby_saenz@gbtpa.com 916-576-4518.

From: Marisela DelaCruz [mailto:Marisela.DelaCruz@theservicecompanies.com]

Sent: Wednesday, February 19, 2020 10:30 AM

To: Julie Hall; Ilisa Juried; shannon.galary

Cc: HS Workers Comp

Subject: Re: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

Hi Julie,

I just spoke to our Operations Manager, Ariel. Unfortunately, we might not get this information because we no longer work with the client where Berta worked and injured herself. Ariel has attempted to reach out to them but has received no response.

Marisela DelaCruz

Senior Human Resources Generalist, Staffing Services

The Service Companies

303 Hegenberger Rd. - Suite 300 | Oakland, CA 94621

O: 415.813.6688 **M:** 415.940.9254

E: marisela@acrobatoutsourcing.com

 [Image removed by sender.](#)

From: Julie Hall <Julie_Hall@gbtpa.com>

Sent: Tuesday, February 18, 2020 4:55 AM

To: Ilisa Juried <Ilisa.Juried@theservicecompanies.com>; Marisela DelaCruz

<Marisela.DelaCruz@theservicecompanies.com>; shannon.galary <shannon.galary@theservicecompanies.com>

Cc: HS Workers Comp <hswc@theservicecompanies.com>

Subject: RE: Berta Alonso; 004351-003900-WC-01_PQME report received_

Thanks Ilisa!

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E: julie_hall@gbtpa.com

Alternate Point of Contact: mark_garcia@gbtpa.com 916-576-4487 or ruby_saenz@gbtpa.com 916-576-4518.

From: Ilisa Juried [mailto:Ilisa.Juried@theservicecompanies.com]
Sent: Monday, February 17, 2020 8:45 AM
To: Marisela DelaCruz; Julie Hall; shannon.galary
Cc: HS Workers Comp
Subject: Re: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

Hello,

Just as a side note, when I was working on this case, this EE came into the SF office when I was there and said to me and Arlene that her friend told her she could get a lot of money by getting a lawyer with WC. She also refused to return numerous phone calls and emails about status reports and stopped showing up to doctor appointments, as well as not showing up to her first day of T2W.

Let me know if that helps.

Thank you,

Ilisa Juried

Compliance Specialist

The Service Companies

611 Wilshire Blvd, Suite 708, Los Angeles, CA. 90017

M: 213.408.6490

E: ilisa.juried@theservicecompanies.com



[Image removed by sender.](#)

From: Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>
Sent: Monday, February 17, 2020 8:39 AM
To: Julie Hall <Julie_Hall@gbtpa.com>; shannon.galary <shannon.galary@theservicecompanies.com>
Cc: HS Workers Comp <hswc@theservicecompanies.com>
Subject: Re: Berta Alonso; 004351-003900-WC-01_PQME report received_


Hi Julie,

I will definitely look into this but I agree this seems absurd. This was her 5th day on the job with us before she reported her injury.

Marisela DelaCruz

Senior Human Resources Generalist, Staffing Services
The Service Companies
303 Hegenberger Rd. - Suite 300 | Oakland, CA 94621

O: 415.813.6688 **M:** 415.940.9254
E: marisela@acrobatoutsourcing.com

 [Image removed by sender.](#)

From: Julie Hall <Julie_Hall@gbtpa.com>
Sent: Sunday, February 16, 2020 12:41 PM
To: shannon.galary <shannon.galary@theservicecompanies.com>; Marisela DelaCruz <Marisela.DelaCruz@theservicecompanies.com>
Subject: FW: Berta Alonso; 004351-003900-WC-01_PQME report received_

Shannon/ marisela, can you find out this information per below?

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E: julie_hall@gbtpa.com

Alternate Point of Contact: mark_garcia@gbtpa.com 916-576-4487 or ruby_saenz@gbtpa.com 916-576-4518.

From: Anne Brownell [mailto:ABrownell@cca-law.com]
Sent: Sunday, February 16, 2020 12:39 PM
To: Julie Hall
Subject: Re: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

I agree it is hard to fathom the doctor finding causation on a CT basis with a mere 31 hours.

Let's find out from the employer, of the 31 hours, exactly how many hours per day she spent washing dishes excluding break and lunch and any training that took place before she started actually physically working.

Depo will remain on.

Do I have authority to set depo of doctor to get on calendar?

Anne L. Brownell, Esq.

On Feb 16, 2020, at 12:24 PM, Julie Hall <Julie_Hall@gbtpa.com> wrote:

Anne, I will ask employer, but working only 31 hrs and she developed this CT? It seems ridiculous to say the least. Please object to the report and I will ask the employer what they want to do. Please continue with depo at this time. We need to know all she has done in the past. If she has kids why isn't she living with them? This seems ridiculous.

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E: julie_hall@gbtpa.com

Alternate Point of Contact: mark_garcia@gbtpa.com 916-576-4487 or ruby_saenz@gbtpa.com 916-576-4518.

From: Anne Brownell [mailto:ABrownell@cca-law.com]

Sent: Thursday, February 13, 2020 6:07 PM

To: Julie Hall

Subject: RE: Berta Alonso; 004351-003900-WC-01_PQME report received_

[EXTERNAL]

Hi Julie,

We received the report from PQME Halbrecht dated January 17, 2020 along with the billing. This report is reviewed in detail below.

- Attached is the report and the billing.
- I direct defendants to process and review the billing in the amount of \$687.50.

The PQME unfortunately finds industrial causation based on applicant's activities of repetitively watching racks, pots and pans with a diagnosis of right carpal tunnel syndrome.

Defendants need to review and decide whether we will accept this injury, or continue to dispute.

Keep in mind even if there is 1% exposure, this is enough to find defendants responsible. The biggest question is overcoming the causation stated by the PQME. The question is whether the activities applicant performed was tantamount to repetitive hand use, specifically repeating the same hand and wrist motions or activities over a prolonged period of time causing an aggravation to the tendons in the wrist, causing swelling that puts pressure on the nerve.

Applicant only works 31 hours over the course of 6 days. This was less than 8 hours in a day. In addition is the fact that applicant did not complete filling out the patient questionnaire which begs the question of whether the doctors report would not be considered substantial evidence if there is information missing.

Case status/options:

1. Shortly before we received this PQME report, I received yet another inquiry from AA on settlement response to demand of \$23,000. This offer may no longer be on the table. Advise whether defendants are now willing to consider settlement based on this PQME report and secure authority for a counter?
- 2 The deposition of applicant is scheduled March 18, 2020. I suggest we discuss whether the deposition should proceed. [Recall this deposition was reset based on AA having a calendar conflict].
3. If we are **not** going to accept injury, I recommend we depose the PQME. Please advise.
4. If we are going to continue to dispute this injury, I direct defendants to send a notice of the TTD delay until after applicant's deposition takes place, together with the deposition of the PQME.
5. Last, I suggest we shore up with the employer further if we are not going to accept this injury on the exact number of hours applicant worked in a day with breaks and lunch. In addition, the precise amount of time spent during each of the 6 days applicant was involved in washing pots, pans and grills in warm/hot water.

Review of PQME Halbrecht report:

The PQME notes applicant did not complete the patient questionnaire. Applicant arrived over 90 minutes late as she claimed she was lost. Applicant was accompanied by her luggage as she is homeless.

The doctor acknowledges the advocacy letter from defendants and history set forth on defendants position.

The doctor states applicant has right wrist and right hand pain. Applicant describes numbness in the thumb, index and middle finger that she describes as severe and constant. Applicant says that she cannot do any lifting.

Applicant is not receiving any disability. [Likely applicant has not worked enough quarters in California to qualify for SDI].

Applicant stands at 5'5" and weighs 169 pounds and is 71 years old. Applicant is widowed and has four children.

She states applicant worked as a dishwasher repetitively washing racks, trays, pots and pans eight hours a day. [Applicant did not work eight hours in a day and the doctor was advised of this in my advocacy letter].

Applicant experienced pain and numbness and tingling in the right hand.

Applicant had prior work emptying a dishwasher for four days with Chase Center with another employment agency. [This may be a basis to add another defendant to the CT].

Prior to that applicant had a 30 year work history of working as a waitress in Miami and Las Vegas. Applicant stopped working as a waitress for 10 years to care for her mother who had Alzheimer's. Applicant's caregiving activities included cleaning and

meal preparation. Applicant mother passed away and applicant moved to San Francisco.

On examination, she has very low right hand grip strength.

Applicant is **diagnosed with right carpal tunnel syndrome**.

Following the injury against The Service Companies, applicant sought physical therapy on her own. She also wants to see a specialist.

The doctor finds applicant is **not MMI**. Applicant is temporarily partially disabled from September 25, 2019 to present.

Under causation the doctor find the physical exam is consistent with the mechanism of injury. Specifically applicant suffered a cumulative trauma not by lifting pots, but by submerging her hands in warm water and repetitive scrubbing activities to clean pots 8 hours per day. This created inflammation in the carpal canal and resulted in carpal tunnel syndrome.

The doctor concludes that there was no objective evidence of a history of ongoing complaints or disability to carpal tunnel syndrome. Although she acknowledges apparently one of the doctor stated applicant had symptoms many years ago, there is no medical evidence that she received. I assume she is referring to medical reports. [Given applicant's relocation recently to San Francisco, we may not be able to successfully obtain applicant's prior medical reports given that she was living in Las Vegas and living in Miami].

The doctor finds **no basis for apportionment**. Applicant denied prior wrist or hand pain. Applicant denied any prior work injuries.

Interestingly, the doctor states **under impairment, none indicated**. [This may be a mistake].

Under **work restrictions** she finds no repetitive use at greater than 1 pound with the right hand.

On **future medical**, she recommends a bilateral EMG, orthopedic referral and applicant may require a carpal tunnel release.

Very truly yours,

Anne L. Brownell, Esq. | Junior Partner

Certified Specialist Workers' Compensation Law

<IMAGE001.JPG>

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CCA Northern California offices in Sacramento, San Francisco, Oakland, San Jose, & Fresno

CCA Southern California offices in Los Angeles and Orange County

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