



New Case Brief  
Prepared by Redding Office  
Lawrence P. Johnson, Esq.

April 18, 2008

**Virginia Brooks v. WCAB, California Department of Corrections and  
Rehabilitation**  
**Court of Appeal Fifth Appellate District - Certified for Publication**

Applicant, a correctional officer with the California Department of Corrections and Rehabilitation, sustained injury to her right shoulder and psyche on October 25, 2004. Thereafter, applicant received one year of industrial disability leave pursuant to the Government Code. Following the termination of that one-year period, applicant was paid temporary disability indemnity for an additional year. Payments were then terminated as applicant had received a combined two years of industrial disability leave and temporary disability indemnity.

Applicant sought a hearing before the Workers' Compensation Appeals Board contending that she was entitled to a second year of temporary disability indemnity, arguing that the first year of industrial disability leave should not be counted against her two-year entitlement to temporary disability indemnity under Labor Code §4656(c)(1). The Workers' Compensation Judge and the Workers' Compensation Appeals Board on reconsideration disagreed with applicant, noting that the Government Code specifically equated industrial disability leave with temporary disability indemnity.

In upholding the decisions issued by the Workers' Compensation Judge and the Workers' Compensation Appeals Board, the Court of Appeal agreed that while the benefits payable under Industrial Disability Leave may be greater than benefits payable by way of temporary disability indemnity, it disagreed with applicant's argument "that IDL and TD are distinct classes of benefits that do not overlap." The Court of Appeal therefore, concluded that "the WCAB appropriately decided Brooks was entitled to no more than one year of TD following the one year of IDL that she received."