



**Valley Behavioral Health Network, et al v. WCAB (Cherry)**  
**December 29, 2006**  
**Court of Appeals Decision (unpublished)**

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*Redding*

Ms. Cherry sustained an injury when a milk crate fell on her. She sustained a severe wrist injury, necessitating 7 surgeries. She also had pain in the shoulder, but sought no treatment for that. She, as a pro per applicant, eventually stipulated to 32% PD with future medical care to the wrist. Her shoulder eventually worsened and she sought treatment. When that was denied, she hired an attorney and filed a Petition to Reopen. Defendants denied applicant's right to claim the shoulder injury in light of the fact that there were shoulder symptoms, yet the stipulation did not provide for medical care to the shoulder. In the most important part of this decision, the Court states that there had not been, at the time of the stipulations, a true "shoulder injury" since there was neither disability nor a need for treatment for the shoulder (LC §3208.2, LC §5401). Accordingly a claim for the shoulder was not denied "by operation of law" by not including it in the original stipulations. Based on that rationale as well as a claim that the shoulder was a "compensable consequence," the shoulder claim was allowed in the Petition to Reopen.