



Savemart Stores, Inc v. WCAB (Oneto)
December 29, 2006
Court of Appeals Decision (unpublished)

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Ms. Oneto sustained a spinal injury and underwent 3 spinal surgeries. She developed a psychiatric disability as a result of her injury. Applicant obtained a QME which limited her to semi-sedentary work and that she could only work for 1 hour at a time and then would need an hour's rest, before returning to work another hour. Defendant obtained surveillance film which was not inconsistent with the QME's report. After an MSC, Trial, and cross-examination of the rater defendants obtained two more days of surveillance films. The Court of Appeals agreed with the WCAB in finding that the WCJ did not abuse his discretion in refusing to reopen the record to admit the films, absent evidence from defendants that the films could not have been obtained before the MSC. The Court further states that defendants should have been aware of it's potential 100% exposure, upon receipt of the QME report, rather than only after trial and the recommended rating. The 100% award was upheld.