



New Case Brief  
Prepared by Sacramento Office  
Brent S. Lindgren, Esq.

*Smith v. WCAB (California Youth Authority) and  
Amar v. WCAB (Mel Clayton Ford) (2007)*  
WCC 32032007 CA

In *Amar*, the parties previously stipulated to an award of future medical care for a foot injury. The care included a weight-loss program and treatment for non-industrial diabetes. The carrier denied both aspects of medical care without filing a petition to terminate care. Amar's attorneys sought reinstatement of this medical care and the board deemed the weight-loss program to be medically necessary treatment, and ordered it reinstated.

The WCJ ruled that LC Section 4607 does not apply to Amar's case, and denied attorney fees to Allan Ghitterman. The 2d Appellate District Court, in reversing the board, said that even the refusal to provide some care is tantamount to a denial: "The board acknowledges that when a carrier informally denies all care, applicant is entitled to attorney fees to enforce the award. We see no difference [here]."

"Insurance carriers who fail to provide previously awarded medical care may not avoid attorney fees to successful applicants' attorneys through the expedient of a formal denial, even when they do so in good faith," the court wrote.