# State of California, Division of Workers' Compensation REQUEST FOR AUTHORIZATION DWC Form RFA

Attach the Doctor's First Report of Occupational Injury or Illness, Form DLSR 5021, a Treating Physician's Progress Report, DWC Form PR-2, or equivalent narrative report substantiating the requested treatment.

✓ New Request Resubmission – Change in Material Facts					
Expedited Review: Check box if employee faces an imminent and serious threat to his or her health					
Check box if request is a written confirmation of a prior oral request.					
Employee Information					
Name (Last, First, Middle):	: Gamino Alan				
Date of Injury (MM/DD/Y	YYYY): 01/24/202	23	Date of E	Birth (MM/DD/YYYY):	10/04/1987
Claim Number: 4A2302G3	37SD-0001	E	Employe	r: Macys/Bloomingdale	
Requesting Physician In	formation	<u>.</u>			
Name: Eric Gofnung, DC					
Practice Name: Eric Gofnu	ıng Chiro Corp.		Contact Name: Ilse Ponce		
Address: 6221 Wilshire Bl			City: Los Angeles State: CA		
Zip Code: 90048	Phone: (3	323) 933-2444	Fax Num	ber: (323) 903-0301	
Specialty: Chiropractor		1	NPI Num	ber: 1821137134	
E-mail Address: ilse.ponce	e@gofnung.com				
Claims Administrator Inf	ormation				
Company Name: Sedgwic	k		Contact Name:		
Address: PO BOX 14450			City: LEXINGTON State: K		State: KY
Zip Code: 40512	Phone: (8	366) 247-2287	Fax Num	iber:	
E-mail Address:					
		iidance; attached additional pag			
		oods, or items in the below space			
	•	ested treatment can be found. Up	to five (5	b) procedures may be en	tered;
list additional requests on	a separate sneet if the	space below is insufficient.	-		011 1 1 1:
Diagnosis	ICD-Code	Service/Good Requested		CPT/HCPCS	Other Information:
(Required)	(Required)	(Required)		Code (If known)	(Frequency, Duration Quantity, etc.)
Cervical facet-induced	M53.82	Electrical Stimulation		G0283	1 x a week for 6 weeks
Thoracic Facet-Induced	M54.6	Therapeutic Exercises		97110	
Lumbar facet-induced	M47.816	Massage Therapy		97124	
Left shoulder etnosynovitis	M75.52.	CMT 3-4 regions		98941	
Left knee infrapatellar ten	M76.50	Extraspinal Manipulation w/spinal		98943	
	Ç,	40 2			
Requesting Physician Signature: Date: 12/20/2023					
		nization (URO) Response			
	ed or Modified (See Se			(See separate notification	
Requested treatment has been previously denied Liability for treatment is disputed (See separate letter)					
Authorization Number (if assigned):  Date:  Authorized Agent Name:					
			Signature: E-mail Address:		
Comments:	rax INUIII	Dei.	L-IIIali A	uuitss.	
Confinence.					

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Date of Injury (MM/DD/Y	YYY): 01/24/202	23 🛭	Date of	Birth (MM/DD/YYYY):	10/04/1987
Claim Number: 4A2302G3	7SD-0001	E	Employ	er: Macys/Bloomingdale	
Requesting Physician Inf	formation				
Name: Eric Gofnung, DC					
Practice Name: Eric Gofnu	ng Chiro Corp.	C	Contact Name: Ilse Ponce		
Address: 6221 Wilshire Blv	d Suite 604	C	City: Los Angeles State: CA		
Zip Code: 90048	Phone: (3	323) 933-2444 F	ax Nu	mber: (323) 903-0301	-
Specialty: Chiropractor		N	NPI Nu	mber: 1821137134	
E-mail Address: ilse.ponce	@gofnung.com				
Claims Administrator Info	ormation				
Company Name: Sedgwick	<	C	Contact	t Name:	
Address: PO BOX 14450		C	City: LE	XINGTON	State: KY
Zip Code: 40512	Phone: (8	366) 247-2287 F	Fax Number:		
E-mail Address:					
		idance; attached additional pag			
		oods, or items in the below space o			
		ested treatment can be found. Up	to five	(5) procedures may be en	tered;
list additional requests on a separate sheet if the space below is insufficient.					
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(Required)	(Required)	(Required)		Code (If known)	(Frequency, Duration
		VD 0(T) : 0 :		. ,	Quantity, etc.)
Cervical facet-induced	M53.82	X-Rays Of Thoracic Spine			
Thoracic Facet-Induced	M54.6	MRI Of The Left Shoulder			
Lumbar facet-induced	M47.816	Acupuncture Evaluation & Treatment			
Left shoulder etnosynovitie	M75.52.	Interventional Pain Management			
Left knee infrapatellar ten M76.50 Consultation					
	( )	40 _			
Requesting Physician Signature: Date: 12/20/2023					
Claims Administrator/Utilization Review Organization (URO) Response					
Approved Denied or Modified (See Separate decision letter) Delay (See separate notification of delay)					
Requested treatment has been previously denied Liability for treatment is disputed (See separate letter)					
Authorization Number (if assigned):  Date:					
Authorized Agent Name: Signature:					
Phone: Fax Number: E-mail Address:					
Comments:					

# State of California, Division of Workers' Compensation REQUEST FOR AUTHORIZATION DWC Form RFA

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list additional requests on a	a separate sheet if the	space below is insufficient.			T	
Diagnosis	ICD-Code	Service/Good Requested		CPT/HCPCS	Other Information:	
(Required)	(Required)	(Required)		Code (If known)	(Frequency, Duration	
Cervical facet-induced	M53.82	Psychiatric Versus Psychologic	val		Quantity, etc.)	
Thoracic Facet-Induced	M54.6	Consultation	,ai			
Lumbar facet-induced	M47.816	Orthopedic Evaluation And Treatr	mont			
Left shoulder etnosynovitis	M75.52.	Orthopedic Evaluation And Treati	шеш			
Left knee infrapatellar ten	M76.50					
Len knee iiiiiapateiiai ten	WI7 0.50					
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Requesting Physician Sign		(UDO) P		Date:	12/20/2023	
		anization (URO) Response eparate decision letter)	Dolo	y (See separate notificatio	n of dolov)	
	,		-		• *	
Requested treatment has been previously denied Liability for treatment is disputed (See separate letter)  Authorization Number (if assigned):  Date:						
Authorized Agent Name:			Signature:			
Phone: Fax Number:			E-mail Address:			
Comments:	•	-				

# ERIC E. GOFNUNG CHIROPRACTIC CORP.

# SPORTS MEDICINE & ORTHOPEDIC - NEUROLOGICAL REHABILITATION 6221 Wilshire Boulevard, Suite 604/Los Angeles, California90048/Tel. (323) 933-2444 /Fax (323) 933-2909

December 20, 2023

Workers Defenders Law Group Natalia Foley, ESQ. 751 S. Weir Canyon Road Stuie 157-455 Los Angeles, CA 90048

Re: Patient: Gamino Alan SSN: XXX-XX-4132

EMP: Macys/Bloomingdale

INS: Sedgwick

Claim #: 4A2302G37SD-0001

WCAB #: ADJ17287003

DOI: CT: 01/25/2022-01/24/2023

D.O.E./Consultation: December 20, 2023

Primary Treating Physician's
Follow up Evaluation Report
And Request for Authorization

Time Spent Face to face:	15 minutes
<b>Time Spent on Report Preparation</b>	15 minutes

#### Dear Gentlepersons:

The above-named patient was seen for a Primary Treating Physician's Follow up Evaluation on December 20, 2023, in my office located at 6221 Wilshire Boulevard, Suite 604, Los Angeles, California 90048. The following information contained in this report is derived from a review of the available medical records, as well as the oral history as presented by the patient. **Dr. Gofnung is the PTP and the patient was examined by Dr. Gofnung.** 

The history of injury as related by the patient, the physical examination findings, my conclusions and overall recommendations are as follows.

This authorization for treatment is made in compliance with Labor Code 4610 and 8 CCR 9792.6(o) and therefore serves as a written request for authorization for today's

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Date of Exam: December 20, 2023

evaluation/consultation and treatment recommendations as described in this report. Please comply with Labor Code 4610, 8 CCR 9792.11 - 9792.15, 8 CCR 10112 - 10112.3 (formerly 8 CCR 10225 – 10225.2) and Labor Code 5814.6. Please comply with Sandhagen v. State Compensation Insurance Fund (2008) 44 Cal. 4 ch 230. Please comply with Jesus Cervantes v. El Aguila Food Products, Inc. and Ciga, et al., WCAB en banc, 7-0, November 19, 2009. Be aware that Labor Code 4610(b) requires the defendant to conduct utilization review on any and all requests for treatment. Furthermore, Labor Code 4610 Utilization Review deadlines are mandatory. It is the defendant's duty to forward all consultation and treatment authorization requests to utilization review. Be aware the defendant and insurance company has five working days to authorize, delay, modify or deny a request for all treatment, but 10 days for spinal surgery. Please issue timely payment for medical care and treatment rendered in order to avoid payment of interests and penalties, per labor codes referenced. Failure of the defendant or insurance company to respond in writing within five working days results in an authorization by default. Furthermore, failure to pay for "self-procured" medical care when utilization deadlines are missed triggers penalties for the defendant or the insurance company due to violation of 8 CCR 10225 – 10225.2 and Labor Code 5814/5814.6 and 4603.2b. When there is a dispute with regard to treatment, the right to proceed with the Labor Code 4062 process belongs exclusively to the injured employee. If the treatment recommendations are not authorized by the insurance carrier, this report and bill should be kept together by the Workers' Compensation carrier for the review company. The claims examiner should forward this report to the defense attorney and nurse case manager.

#### **Interim History:**

Please note, the last time the patient was seen in my office was July 31st, 2023. The patient reports he has received about five acupuncture treatments. The patient also reports he is under the care of internist, Dr. Koruon Daldalyan. The patient is not working. Please note, the patient reports that my office did not provide him with an appointment for a follow up and that is the reason why he has not returned to my office. Apparently, it was a miscommunication between him and my front office. Please note, the patient did undergo NCV/EMG studies by Dr. Robert Douglas Collins of lower extremities on 10/28/2023. The study showed evidence of radiculopathy at L5. Please note, I have letter here from applicant attorney Workers Defenders Law Group dated July 10th, 2023, which explains that the insurance company is requesting transfer of medical care to MPN after the injury was accepted per PQME of Dr. Mahboubian, however, the applicant attorney objects as the patient's injury is chronic per the undersigned. The patient exercises on his own as recommended to tolerance.

# **Current Complaints (December 20, 2023):**

- 1. Neck pain with radiation to left shoulder, intermittent and slight to moderate.
- 2. Left shoulder pain, intermittent and slight to moderate.
- 3. Upper to mid back pain, intermittent and slight.

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4. Low back pain with radiation to both legs, alternating at times, intermittent to frequent and slight to moderate.

5. Anxiety, depression.

# **Physical Evaluation (December 20, 2023) – Positive Findings:**

# Cervical Spine:

Examination of the cervical spine revealed tenderness to palpation of bilateral paracervical and upper trapezium musculature. Tenderness and hypomobility is noted at C4 through C7 vertebral regions.

Shoulder depression test is positive on the left.

Ranges of motion for the cervical spine were decreased and painful.

Cervical Spine Range of Motion Testing			
Movement	Normal	Actual	
Flexion	50	45	
Extension	60	38	
Right Lateral Flexion	45	37	
Left Lateral Flexion	45	40	
Right Rotation	80	55	
Left Rotation	80	60	

#### Shoulders & Upper Arms:

# Left Shoulder:

The patient's left shoulder was held at normal non-antalgic position.

Tenderness was noted over the supraspinatus musculature as well as tendon over anterior shoulder at insertion as well as subacromial and subdeltoid bursa.

Hawkins test is positive at the left shoulder.

Ranges of motion for the shoulders, right all normal and left shoulder ranges of motion were normal with discomfort at extremes.

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# **Grip Strength Testing:**

Grip strength testing was deferred, prior grip strength testing showed utilizing the Jamar Dynamometer at the third notch, measured in kilograms, on 3 attempts and produced the following results:

Left: 0/0/0 Right: 10/8/6

Motor Testing of the Cervical Spine and Upper Extremities:

Left shoulder 4/5, all other myotomes 5/5.

#### Sensory Testing:

Sensory testing was deferred, prior testing showed **dysesthesia at left C6-C7 dermatomal levels.** 

#### Thoracic Spine:

Examination of the thoracic spine revealed tenderness to palpation of bilateral parathoracic musculature. Tenderness at left trapezium and left interscapular region. Tenderness and hypomobility is noted at T1 vertebral regions.

Kemp's test is positive on the left.

Thoracic spine ranges of motion were decreased and painful, measured as follows:

Thoracic Spine Range of Motion Testing			
Movement	Normal	Actual	
Flexion	60	50	
Extension	0	0	
Right Rotation	30	25	
Left Rotation	30	30	

# **Lumbar Spine:**

Examination of the lumbosacral spine revealed tenderness to palpation of bilateral paralumbar musculature. Tenderness at left sacroiliac joint. Tenderness and hypomobility is noted over L4 through L5 vertebral regions.

Milgram's test is positive. Sacroiliac joint compression test is positive on the left.

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Straight Leg Raising Test performed seated was positive bilaterally for back pain with increased radiculopathy to the left lower extremity.

Right: 85 degrees Left: 80 degrees

# Lumbar spine ranges of motion were decreased and painful.

Lumbar Spine Range of Motion Testing			
Movement	Normal	Actual	
Flexion	60	50	
Extension	25	17	
Right Lateral Flexion	25	20	
Left Lateral Flexion	25	18	

# Knees & Lower Legs:

Tenderness at left infrapatellar tendon and bursa, minimal.

# **Sensory Testing:**

Sensory testing is deferred, prior testing showed dysesthesia at left L5 dermatomal level.

#### **Review of records:**

- 1) <u>I reviewed the entire medical file with all pertinent patient information</u>. <u>I have reviewed</u> my initial history, examination and medical file.
- 2) Review of NCV/EMG studies by Dr. Robert Douglas Collins of lower extremities on 10/28/2023. The study showed evidence of radiculopathy at L5.
- 3) Review of letter from Applicant Attorney Workers Defenders Law Group dated July 10, 2023 which explains that the insurance company is requesting transfer of medical care to the MPN after the injury was accepted per PQME of Dr. Mahboubian, however, the applicant attorney objects as the patient's injury is chronic per the undersigned.

#### **Diagnostic Impressions:**

- 1. Cervical spine myofasciitis, M79.1.
- 2. Cervical facet-induced versus discogenic pain. Multilevel disc protrusions at C5-C6, C6-C7, C7-T1 with disc protrusions over 2 mm with facet joint arthropathy at all levels, which

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was mild at C5-C6 and moderate at C6-C7 and C7-T1. Please note that there is bilateral neuroforaminal and lateral recess narrowing causing impingement on C6, C7 and T1 exiting nerve roots, M53.82.

- 3. Cervical radiculitis, rule out, M54.12.
- 4. Thoracic spine myofasciitis, M79.1.
- 5. Thoracic facet-induced versus discogenic pain, M54.6.
- 6. Lumbar spine myofasciitis, M79.1.
- 7. Left sacroiliac joint dysfunction, sprain/strain, M53.3.
- 8. Lumbar facet-induced versus discogenic pain. Multiple disc protrusions at L4-L5 and L5-S1, measuring 1.4 mm, causing mild bilateral neuroforaminal narrowing with straightening of lumbar lordotic curvature, M47.816.
- 9. Evidence of radiculopathy at L5, as per NCV/EMG study dated 10/28/2023.
- 10. Lumbar radiculitis left, rule out, M54.16
- 11. Left shoulder tenosynovitis/bursitis, M75.52.
- 12. Left shoulder impingement syndrome, rule out, M75.42.
- 13. Left knee infrapatellar tendinitis/bursitis, resolving, M76.50.

#### **Discussion and Treatment Recommendations:**

The patient is recommended to continue with comprehensive treatment course consisting of chiropractic manipulations and adjunctive multimodality physiotherapy to include myofascial release, hydrocollator, infrared, cryotherapy, electrical stimulation, ultrasound, strengthening, range of motion (active / passive) joint mobilization, home program instruction, therapeutic exercise, intersegmental spine traction and all other appropriate physiotherapeutic modalities for cervical, thoracic and lumbar spine and left shoulder at once a week for six weeks with a followup in six weeks.

Please note, this patient's condition is chronic and it is not resolving beyond 90 days.

#### **Diagnostic Studies Recommended:**

1) The patient is recommended x-rays of thoracic spine.

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2) The patient is recommended **MRI** of the left shoulder.

# **Specialty evaluations recommended:**

- 1) The patient is recommended **interventional pain management consultation**.
- 2) The patient is recommended **psychiatric versus psychological consultation**.
- 3) The patient is recommended acupuncture evaluation and treatment.
- 4) The patient is recommended **orthopedic evaluation and treatment**.

The patient is recommended home exercise program of range of motion, stretching, core strengthening utilizing a gym ball, wall squats, McKenzie exercises, aqua therapy/swimming. The patient is instructed to avoid high-impact type of activities and heavy lifting. The patient can work out resistance training in gym setting with free weights machines and resistance bands to tolerance.

#### **Permanent and Stationary Status:**

The patient's condition is not permanent and stationary.

#### **Work Status/Disability Status:**

No repeated work with left arm above shoulder height. No lifting over 15 pounds. No repeated bending or twisting. Must be able to change positions from sitting to standing as needed. Must have time for doctor's appointment. If work with restriction is not available, then the patient is considered temporarily totally disabled until reevaluation in six weeks.

#### **Disclosure:**

I derived the above opinions from the oral history as related by the patient, revealed by the available medical records, diagnostic testing, credibility of the patient, examination findings and my clinical experience. This evaluation was carried out at 6221 Wilshire Boulevard, Suite 604, Los Angeles, California 90048. I prepared this report, including any and all impressions and conclusions described in the discussion.

I performed the physical examination, reviewed the document and reached a conclusion, of this report which was transcribed by Acu Trans Solution LLC and I proofread and edited the final draft prior to signing the report in compliance with the guidelines established by the Industrial Medical Council or the Administrative Director pursuant to paragraph 5 of the subdivision (J) of Section 139.2.

In compliance with recent Workers' Compensation legislation (Labor Code Section 4628(J)): "I declare under penalty of perjury that the information contained in this report and it's attachments, if any, is true and correct to the best of my knowledge and belief, except as to information I have indicated I have received from others. As to that information, I declare under penalty of perjury that the information accurately describes the information provided to me and, except as noted herein, that I believe it to be true."

In compliance with recent Workers' Compensation legislation (Labor Code Section 5703 under AB 1300): "I have not violated Labor Code Section 139.3 and the contents of this report are true and correct to the best of my knowledge. This statement is made under penalty of perjury and is consistent with WCAB Rule 10978."

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The undersigned further declares that the charges for this patient are in excess of the RVS and the OMFS codes due to high office and staff costs incurred to treat this patient, that the charges are the same for all patients of this office, and that they are reasonable and necessary in the circumstances. Additionally, a medical practice providing treatment to injured workers experiences extraordinary expenses in the form of mandated paperwork and collection expenses, including the necessity of appearances before the Workers' Compensation Appeals Board. This office does not accept the Official Medical Fee Schedule as prima facie evidence to support the reasonableness of charges. I am a board-certified Doctor of Chiropractic, a state-appointed Qualified Medical Evaluator, a Certified Industrial Injury Evaluator and certified in manipulation under anesthesia. Based on the level of services provided and overhead expenses for services contained within my geographical area, I bill in accordance with the provisions set forth in Labor Code Section 5307.1.

NOTE: The carrier/employer is requested to immediately comply with 8 CCR Section 9784 by overnight delivery service to minimize duplication of testing/treatment. This office considers "all medical information relating to the claim" to include all information that either has, will, or could reasonably be provided to a medical practitioner for elicitation of medical or medical-legal opinion as to the extent and compensability of injury, including any issues regarding AOE/COE - to include, but not be limited to, all treating, evaluation, and testing reports, notes, documents, all sub rosa films, tapes, videos, reports; employer-level investigation documentation including statements of individuals; prior injury documentation; etc. This is a continuing and ongoing request to immediately comply with 8 CCR Section 9784 by overnight delivery service should such information become available at any time in the future. Obviously, time is of the essence in providing evaluation and treatment. Delay in providing information can only result in an unnecessary increase of treatment and testing costs to the employer.

I will assume the accuracy of any self-report of the examinee's employment activities, until and unless a formal Job Analysis or Description is provided. Should there be any concern as to the accuracy of the said employment information, please provide a Job Analysis/Description as soon as possible.

I request to be added to the Address List for Service of all Notices of Conferences, Mandatory Settlement Conferences and Hearings before the Workers' Compensation Appeals Board. I am advising the Workers' Compensation Appeals Board that I may not appear at hearings or Mandatory settlement Conferences for the case in chief. Therefore, in accordance with Procedures set forth in Policy and Procedural Manuel Index No. 6.610, effective February 1, 1995, I request that defendants, with full authority to resolve my lien, telephone my office and ask to speak with me.

The above report is for medicolegal assessment and is not to be construed as a report on a complete physical examination for general health purposes. Only those symptoms which I believe have been involved in the injury, or might relate to the injury, have been assessed. Regarding the general health of the patient, the patient has been advised to continue under the care of and/or to get a physical examination for general purposes with a personal physician.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Should you have any questions with regard to this consultation please contact me at my office.

Sincerely,

Eric E. Gofnung, D.C.

Manipulation Under Anesthesia Certified

State Appointed Qualified Medical Evaluator

Certified Industrial Injury Evaluator

Signed this 20<sup>th</sup> day of December, 2023, in Los Angeles, California.

EEG:svl

# ERIC E. GOFNUNG CHIROPRACTIC CORP.

SPORTS MEDICINE & ORTHOPEDIC - NEUROLOGICAL REHABILITATION

6221 Wilshire Blvd., Suite 604 • Los Angeles, California 90048 • Tel. (323) 933-2444 • Fax (323) 933-2909

# PROOF OF SERVICE BY MAIL

#### STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a citizen of the United States. I am over the age of 18 years and not a party of the above-entitled action; my business address is 6221 Wilshire Blvd., Suite 604, Los Angeles, CA 90048. I am familiar with a Company's practice where the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U. S. mailbox in the City of Los Angeles, after the close of the day's business. On December 29, 2023, I served the within following letter / forms on all parties in this action by placing a true copy thereof enclosed in a sealed envelope in the designated area for out-going mail addressed as set forth above or electronically on the specified parties with email addresses as identified. I declare under the penalty of perjury that the foregoing is true and correct under the laws of the State of California and that this declaration was executed at 6221 Wilshire Blvd., Suite 604, Los Angeles, CA 90048.

On **29**th day of **December**, 2023, I served the within concerning:

Gamino Alan

Patient's Name:

Claim Number: 4A2302G3 WCAB / EAMS case No: ADJ17287	37SD-0001 7003
MPN Notice	☐Initial Consultation Report -
Designation of Primary Treating Physician & Authorization for Release of Medical Records	Re-Evaluation Report / Progress Report (PR-2)  12/20/2023
Financial Disclosure	Permanent & Stationary Evaluation Report –
Request for Authorization - 12/20/2023	Post P&S Follow Up -
	Review of Records
☐QME Appointment Notification	PQME / Med Legal Report
Primary Treating Physician's Referral	Computerized Dynamic Range of Motion (Rom) And Functional Evaluation Report
List all parties to whom documents were mailed to:	
WORKERS DEFENDERS LAW GROUP	Sedgwick
751 S WEIR CANYON RD STE 157-455	PO BOX 14450
ANAHEIM CA 92808	LEXINGTON KY 40512
I declare under penalty and perjury under the laws of	of the State of California, that the foregoing is true and

correct, and that this Declaration was executed at Los Angeles, California on 29th day of December, 2023.

ILSE PONCE

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