



06/08/2018

**Sent by Certified Mail:**

Evan Disney  
1611 South Highland Ave, Apt M  
Fullerton, CA 92832

Employee: Evan Disney  
Employer: Advanced Real Estate Services, Inc.  
Date of Injury: 03/12/2018  
Claim Number: 33098060

**NOTICE REGARDING  
DENIAL OF CLAIM FOR WORKERS' COMPENSATION BENEFITS**

Cypress Insurance Company is handling this claim for workers' compensation benefits on behalf of Advanced Real Estate Services, Inc.. This notice is to advise you of the status of disability benefits for your workers' compensation injury on the date shown above.

After careful consideration of all available information, we are denying all liability for your claim of injury to your head, upper extremities, back and lower extremities from 6/5/15-3/12/18 because there is no substantial legal, medical or factual evidence to indicate that your alleged injury resulted from your employment at Advanced Real Estate Services, Inc. while insured by Cypress Insurance Company.

Our employer level investigation indicates the history and mechanics of injury that you have given to your employer and physicians is not consistent with the alleged injury, thus your claim is denied.

To date we have not received any medical records to substantiate any injury or lost time as defined in Labor Code Section 3208. Additionally Labor Code Section 3208.1(b) defines cumulative injures as: "cumulative", occurring as repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes any disability or need for medical treatment. The date of a cumulative injury shall be the date determined under Section 5412.

There is no medical evidence to indicate your condition deteriorated as a result of your work activities from 6/9/15 through 3/12/18. Therefore, it is more likely than not that your alleged cumulative trauma condition is unrelated to Cypress's policy coverage. As such, you have failed to meet the threshold of compensability for work related injuries

For claims reported on or after April 19, 2004, regardless of the date of injury, if you submitted a claim form to your employer or claims administrator, Labor Code section 5402(c) provides that within one working day after you file the claim form, the employer shall authorize the provision of all treatment, consistent with the applicable treating guidelines, for the alleged injury and shall continue to provide such medical treatment until the claims administrator accepts or denies liability for the claim. Until the date the claim is accepted or rejected, liability for medical treatment under this Labor Code section shall be limited to a maximum of ten thousand dollars (\$10,000).

Unless you have done so already, you should immediately send for consideration of payment, all bills for medical services provided between the date the completed claim form was given to the employer and the date that liability for the claim is rejected.

If you are represented, you may contact your attorney with any questions.

Additional information may be found in the publication **Workers' Compensation in California: A Guidebook for Injured Workers**. A complete copy of the Guidebook may be obtained at the website of the Division of Workers' Compensation (see URL below) or by contacting an Information and Assistance (I&A) Officer of the Division of Workers' Compensation. Chapters 2, 4 and 9 of the Guidebook contain information addressing the determination of liability for a workers' compensation claim and the QME process.

**Guidebook for Injured Workers:**

<http://www.dir.ca.gov/InjuredWorkerGuidebook/InjuredWorkerGuidebook.html>

**Chapter 2: After You Get Hurt on the Job**

<http://www.dir.ca.gov/InjuredWorkerGuidebook/Chapter2.pdf>

**Chapter 4: Resolving Problems with Medical Care and Medical Reports:**

<http://www.dir.ca.gov/InjuredWorkerGuidebook/Chapter4.pdf>

**Chapter 9: For More Information and Help**

<http://www.dir.ca.gov/InjuredWorkerGuidebook/Chapter9.pdf>

The state of California requires that you be given the following information:

You have a right to disagree with decisions affecting your claim. If you have any questions regarding the information provided to you in this notice, please call Kyle Murphy at (619) 686-5460. You also have the right to be represented by an attorney of your choice. However, if you are represented by an attorney, you should call your attorney, not the claims adjuster.

For information about the workers' compensation claims process and your rights and obligations, go to [www.dir.ca.gov](http://www.dir.ca.gov) or contact an Information and Assistance (I&A) Officer of the State Division of Workers' Compensation. For recorded information and a list of offices, call (800)736-7401.

**Keep this notice. It contains important information about your workers' compensation benefits.**

Sincerely,



Kyle Murphy  
Claims Professional

cc: Employer Advanced Real Estate Services, Inc.  
Applicant's Attorney LAW OFFICES OF NATALIE FOLEY  
Defense Attorney Harrigan, Polan, & Kaplan - Stephanie Weaver Weaver, Stephanie



06/08/2018

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Evan Disney  
1611 S Highland Ave # M  
Fullerton, CA 92832

Employee: Evan Disney  
Employer: Advanced Real Estate Services, Inc.  
Date of Injury: 03/12/2018  
Claim Number: 33098353

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After careful consideration of all available information, we are denying all liability for your claim of injury of stress and anxiety from 3/12/17-3/12/18 because there is no substantial legal, medical or factual evidence to indicate that your alleged injury resulted from your employment at Advanced Real Estate Services, Inc. while insured by Cypress Insurance Company.

Our employer level investigation indicates the history and mechanics of injury that you have given to your employer is not consistent with the alleged injury, thus your claim is denied.

We have not received any psychiatric evidence to substantiate an alleged psychiatric condition and you have failed to demonstrate by a preponderance of the evidence that you were properly diagnosed with a psychiatric condition per Labor Code Section 3208.3 (a). Nor by a preponderance of evidence have you demonstrated that you are suffering from any condition related to your employment with Advanced Real Estate Services, Inc. per Labor Code Section 3208.3 (b).

To date we have not received any medical records to substantiate any injury or lost time as defined in Labor Code Section 3208. Additionally Labor Code Section 3208.1(b) defines cumulative injures as: "cumulative", occurring as repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes any disability or need for medical treatment. The date of a cumulative injury shall be the date determined under Section 5412.

There is no medical evidence to indicate your condition deteriorated as a result of your work activities from 3/12/17 through 3/12/18. Therefore, it is more likely than not that your alleged cumulative trauma condition is unrelated to Cypress's policy coverage. As such, you have failed to meet the threshold of compensability for work related injuries.

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Applicant's Attorney LAW OFFICES OF NATALIE FOLEY