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**Subsequent Injuries Benefits Trust Fund
Department of Industrial Relations
Division of Workers Compensation
160 Promenade Circle, Ste. 350
Sacramento, CA 95834**

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**Employee: Evan Disney
SIF #: ADJ11231848, ADJ12037148, ADJ11804165, ADJ11231935
D.O.I: 6/5/15-3/12/18, 3/12/17-3/12/18, 12/2/18,2/18/18
Employer: Advances Management Company**

Subsequent Injuries Benefit Trust Fund Vocational Opinion

I have been requested by Attorney Natalia Foley to perform a forensic vocational analysis and report addressing Mr. Disney ability to compete in the open labor market based upon his subsequent industrial injury as well as his pre-existing illnesses and injuries that have created labor disabling conditions that would diminish Mr. Disney ability to compete in the open market.

Legal Principles: Disability; Employment Determination; The PDRS; The Ogilvie Case

The AMA Guides, 5th Edition has long been used to determine permanent bodily "impairment" based on a person's "permanent disability" which is defined under California jurisprudence as "...the irreversible residual of a work-related injury that causes impairment in earning capacity, impairment in the normal use of a member or a handicap in the open labor market." *Brodie v. WCAB* (2007) 40 Cal. 4th 1313, 1320, 72 Cal. Comp. Cases 565.

The AMA Guides on page 8, 1.2 Disability: “A disability determination also includes information about the individual’s skill, education, job history, adaptability and environment requirements, and modifications. Assessing these factors can provide a more realistic picture of the effects of the impairments on the ability to perform complex work and social activities.”

The AMA Guides, 5th Edition on page 14 under 1.9 Employability Determination state: “More complicated are the cases in which the physician is requested to make a broad judgement regarding the individual’s ability to return to any job in his or his field. A decision of this scope usually requires input from medical and non-medical experts such as vocational specialists, and the evaluation of both stable and changing factors, such as a person’s education, skills, motivation, and the state of the job market, the local economic situation.”

Generally “permanent disability” payments are provided for permanent bodily impairment, to indemnity for impaired future earning capacity or decreased ability to compete in an open labor market” * *Livitsanos v. Superior Court* (1992) 2 Cal. 4th 744, 57 Cal. Comp. Cases 355 at 36.* Indemnity for impaired future earning capacity in California Workers’ Compensation jurisprudence has long utilized the 2005 Permanent Disability Rating Schedule (“PDRS”) to determine those “permanent disability” payments. The basic purpose of the Workers’ Compensation Act is to compensate for the disabled worker’s diminished ability to compete in the open labor market using the PDRS. Nevertheless, the PDRS may be rebutted via the use of vocational rehabilitation expert evidence.

In *Ogilvie v. Workers’ Compensation Appeals Board* (2011) *Ogilvie v. Workers’ Compensation Appeals Board* (2011) 197 Cal. App. 4th 1262, 76 Cal. Comp. Cases 624 at 629, the Court of Appeal explained that:

For many years, determining the degree of permanent disability sustained due to an injury involved consideration of the *opinions of vocational rehabilitation specialists* concerning the employee’s ability to compete in an open labor market. *Ogilvie v. Workers’ Compensation Appeals Board* (2011) 197 Cal. App. 4th 1262, 76 Cal. Comp. Cases 624 at 629, citing *Gill v. WCAB* (1985) 167 Cal. App. 3d 306, 50 Cal. Comp. Cases 258 (*emphasis added*)

Pursuant to *Ogilvie*, one method to rebut the 2005 PDRS is if the employee is not amenable to vocational rehabilitation because of the industrial injury, so long as the opinion upon which a vocational rehabilitation expert basis it on is based on.

Introductory Comments

My assignment included a face to face interview with Mr. Disney, a review of his occupational history, medical history and records, physician assessment of his medical conditions and labor disablement, and appointment involving percentage of disability apportioned to the subsequent injury, and pre-existing injuries and illnesses, vocational assessments, transferable skills, the labor market analysis and Mr. Disney is amenable to vocational rehabilitation.

A thorough evaluation was conducted of Mr. Disney through vocational testing, research through the OASYS system, the Employment Development Department (EDD), the Dictionary

of Occupational titles, the Social Security Administration (SSA), the Occupational Employment Quarterly (OEQ), and pertinent case law to determine Mr. Disney pre-injury labor disablement, as well as the post-injury labor market access and ability to compete in the open labor market.

I explained to Mr. Disney my position as an Applicant Vocational Expert and informed him that I would not be providing ongoing vocational counseling. I informed him that the information derived during the evaluation would not be considered confidential and that my findings and opinions would be summarized in a report that would be provided to his attorneys and the Subsequent Injuries Benefits Trust Fund.

Date and Time of Evaluation

My evaluation occurred with Mr. September 30, 2019 at 303 North Glenoaks Blvd, Suite 200, Room 261, Burbank, California in a quiet corner office free of distractions. I conducted the evaluation in person with Mr. Disney and had full view of his entire body throughout the assessment.

Evaluation Timeframes

8 hours for file review of medical and psychological records, 7 hours of face to face time, 5 hours of vocational rehabilitation testing and scoring, 5 hours of interpreting and analysis of the CAPS and Raven Standard Progressive Matrices, 5 hours of research (DOT, OASYS, SSA) and 8 hours of report writing, proofreading, and editing time for a total of professional time. A total of 38 hours of professional time. An itemized invoice is attached to this report outlining my work in this matter.

Background Information

Mr. Disney drove himself to this morning's appointment. He was casually dressed and well-groomed when he reported to the office for his scheduled evaluation. Mr. Disney was forthcoming and cooperative throughout the interview.

I interviewed Mr. Disney to obtain information regarding his educational background, employment history, medications, subjective physical tolerances in addition to administering vocational testing.

Mr. Disney was born on April 17, 1978 Missoula, MT. He was 41 years old at the time of this report. He reported a Social Security Number (SSN) of xxx-xx-7948.

Transportation Information

Mr. Disney produced a current Class C California driver's license with a number of xxxx7514 and an expiration date of April 17, 2023. He stated that he had no vehicle code violations or accidents currently on his driving record.

Mr. Disney indicated that he would be willing to travel approximately fifteen (30) minutes to work in one direction should he be able to work. He said that he has a reliable vehicle which he could utilize for employment purposes.

Mr. Disney explained that he would not be willing to use public transportation because of the physical strain it would put on his body given his conditions. He would not be willing to relocate. Mr. Disney should he be able to work, he would be available to work Monday through Friday during the day.

Social History

Mr. Disney is divorced and he has five children.

He is not required to perform elder care.

Legal History

Mr. Disney indicated that he did not have any felony or misdemeanor convictions.

Educational Background

Mr. Disney could communicate in English fluently.

He stated that he completed high school and graduated. He said that he was an average student and received average grades. Mr. Disney was never held back a grade and does not have any learning disabilities.

Military History

Mr. Disney did report being in the military service. He was in the Army National Guard.

Current Sources of Income

Mr. Disney indicated that he does not meet his monthly expenditures.

Mr. Disney states that his monthly expenditures which includes his mortgage, utilities, food, clothing and his children's expense which is about \$3600 and receives VA benefit of \$1331/per month.

Current Work Status

Mr. Disney is currently working as a Magician on a part-time basis to support his family.

Employment History.

Employer Name: Advances Management Company. Dates Employed: Jun 2015- Aug 2018

Job Title: Assistant Community Director City: Irvine. Zip: 92618

Duties: **DOT Code:** 188.117-110 **Housing-Management Officer.** Directs and coordinates activities concerned with providing advice and technical assistance to housing authorities and

evaluating housing management programs: Develops policy and standards for guidance of local housing organizations in establishing and maintaining uniformity in operation of housing projects. Studies operation of housing projects, notes trends and needs, and evaluates efficiency of housing programs. Prepares regulations, procedures, and instructions for operation of housing projects based on analysis of operations. Approves or disapproves requests for waivers to policies, standards, and procedures. Consults with and advises housing personnel of public and private groups concerning needed improvements in housing operations. Advises and assists MANAGERS, HOUSING PROJECT (profess. & kin.) and staffs of local housing authorities concerning problems, such as eliminating excess costs, improving livability features and maintenance care of dwelling units, making more effective use of project facilities and community services, and promoting satisfactory relationships among tenants, housing project personnel, public officials, and private agencies. Leads public meetings and serves on committees to stimulate efforts of national, local, and private housing agencies and to emphasize housing needs of military personnel and low-income families.

Employer Name: Missoula Copy Center. Dates Employed: 10 years

Job Title: Customer Service City: Missoula, MT. Zip:

Duties: **DOT Code:** 299.367-010 Customer-Service Clerk

Alternate Titles: Customer-Service Specialist, Post Exchange. Performs any combination of following tasks in post exchange: Arranges for gift wrapping, monogramming, printing, and fabrication of such items as desk nameplates and rubber stamps, and repair or replacement of defective items covered by warranty. Takes orders for such items as decorated cakes, cut flowers, personalized greeting cards and stationery, and merchandise rentals and repairs. Prepares special order worksheet. Keeps record of services in progress. Notifies customer when service is completed and accepts payment. Acts as WEDDING CONSULTANT (retail trade). Assists customers to select and purchase specified merchandise [PERSONAL SHOPPER (retail trade)]. Keeps records of items in layaway, receives and posts customer payments, and prepares and forwards delinquent notices [LAYAWAY CLERK (retail trade)]. Issues temporary identification cards from information on military records. Approves customer's checks and provides check cashing service according to exchange policy. Answers customer's telephone, mail, and in-person inquiries and directs customers to appropriate sales area [INFORMATION CLERK (clerical)]. Resolves customer complaints and requests for refunds, exchanges, and adjustments. Provides customers with catalogs and information concerning prices, shipping time, and costs.

Activities of Daily Living

During my interview, Mr. Disney completed the Activities of Daily Living (ADL) questionnaire with my assistance. I asked Mr. Disney questions regarding how his disabilities affect his activities of daily living. Mr. Disney noted that he had some difficulty combing his hair, washing and drying himself and dressing himself. Mr. Disney reported having much difficulty doing light

housework such as cleaning and doing laundry. He also has much difficulty with cooking and yardwork activities.

Mr. Disney also stated some difficulty driving car most especially getting in and out of the car and opening and closing doors. Mr. Disney vision reports difficulty watching TV or reading a book and writing as well as seeing up close and seeing things far.

Mr. Disney also have difficulty sleeping at night and that he goes to bed around 10:00 p.m. It generally takes him about two (2) hours to fall asleep and he usually wakes up around 5:30 a.m.

Mr. Disney subjective physical tolerances includes difficulty sitting and standing for long periods of time. Mr. Disney reported walking on a flat surface, walking on incline and difficulty walking down on a decline. Mr. Disney also reported difficulty crouching, bending, stooping, crawling, kneeling and maintaining his balance. Mr. Disney also reported that is both difficult to walk up and down a flight. He also reported difficulty with moving forward flexion of neck and twisting of neck left and right.

Mr. Disney also reported reaching above shoulder level with both left and right arm. Mr. Disney reported difficulty push and pulling object and gripping a glass of water or carrying a gallon of milk with one or both hands. Mr. Disney also reported difficulty lifting more than 5 lbs. and much more difficulty lifting more than 10 lbs. and 20 lbs. and much more difficulty lifting more than 50 lbs.

Mr. Disney reported difficulty with fine finger manipulation like turning screws/bolts, using a cell phone or texting and have trouble with repetitive movements and simple and firm grasping. Mr. Disney also reported difficulty with his sensory functions, with him feel, smell, taste sensations. Mr. Disney also reported difficulty with talking and speaking clearly both the left ear and the right ear. (See attachment: Activities of Daily Living, Appendix A)

Activities of Daily Living

Activities of Daily Living	Without difficulty	With SOME difficulty	With MUCH difficulty	FOR HOW LONG A PERIOD OF TIME	UNABLE TO DO
Self-Care, Personal Hygiene					
<i>Comb your hair</i>		x			
<i>Wash and dry yourself</i>		x			

<i>Dress yourself including shoes</i>			x		
<i>Light Housework (Cleaning, laundry, Etc.)</i>		x			
<i>Heavy Housework (Vacuuming, sweeping, mopping,)</i>					x
<i>Cooking</i>		x			
<i>Yard Work</i>			x		
Travel					
<i>Driving a car (automatic transmission)</i>			x		
<i>Get in and out of cars</i>		x			
<i>Opening and Closing Car Door</i>	x				
Vision					
<i>Watch Television (with glasses on)</i>		x			
<i>Read a Book</i>		x			

<i>Seeing up close</i>		x			
<i>Seeing things far – with glasses</i>		x			
Sleep					
<i>Sleep at Night</i>			x		
<i>Nap During the Day</i>			x		

Mr. Disney stated that his bedtime is around 10pm. It takes him 30 minutes to fall asleep. It varies when he wakes up in the morning.

Subjective Physical Tolerances

Subjective Physical Tolerances	Without difficulty	With SOME difficulty	With MUCH difficulty	FOR HOW LONG A PERIOD OF TIME	UNABLE TO DO
<i>Sit</i>			X	60-90 mins	
<i>What, if anything makes sitting more comfortably?</i>					
<i>Stand</i>			X	10-40 mins	
<i>Walk on a Flat Surface</i>			X	10-40 mins	
<i>Walk on an Incline</i>			X	10-40 mins	
<i>Walk on a Decline</i>			X	10-40 mins	
<i>Is it easier to walk up or down an incline?</i>				Walking hurt no matter what direction	

<i>Crouching</i>				X	
<i>Bending</i>					X
<i>Stooping</i>					X
<i>Crawling</i>					X
<i>Kneeling</i>				X	
<i>Maintaining Balance</i>	X				
Do you require a device to maintain your balance? Describe: once in a while					
<i>Walking up 1 flight of 10 steps</i>			X		
<i>Walking Down 1 flight of 10 steps</i>			X		
<i>Is it easier to walk up or down a flight of 10 steps? same</i>					
<i>Forward flexion of neck</i>		X			
<i>Twisting of neck left or right</i> <i>RIGHT</i>			X		
<i>Is your Dominant Hand: RIGHT or LEFT</i> <i>RIGHT</i>					
<i>Reach above shoulder level with RIGHT Arm</i>		X			
<i>LEFT Arm</i>		X			

<i>Reach below shoulder level with RIGHT Arm</i>		X			
<i>LEFT Arm</i>		X			
<i>Push/Pull light objects</i>		X			
<i>Gripping a glass of water</i>		X			
<i>Carrying a gallon of milk with one or both hands</i>		X			
<i>Lift more than 5 lbs.</i>		X			
<i>Lift more than 10 lbs.</i>		X			
<i>Lift more than 20 lbs.</i>			X		
<i>Lift more than 50 lbs.</i>					X
<i>Fine finger manipulation (turning screws/bolts, using a cell phone or texting) right hand only</i>		X			
<i>Simple grasping</i>		X			
<i>Firm Grasping</i>		X			
<i>Writing</i>		X			
<i>Typing</i>		X			

<i>Feel what you touch</i>		X			
<i>Smell the food you eat</i>		X			
<i>Taste the food you eat</i>		X			
<i>Talking/Speak clearly</i>	X				
<i>Hearing from LEFT ear</i>		X			
<i>Hearing from RIGHT ear</i>		X			

Current Treatment, Therapy and Physical Condition

Mr. Disney does not participate in physical therapy.

Current Medications

Mr. Disney brought a list of his medications to the evaluation

Lists of Medications

Neurontin

Robaxin

Effects of Medication on Full Time Employment

Mr. Disney takes prescription medication as indicated above that severely limits his ability to function in a full-time work setting. Medication usage could limit an employer from fully considering Mr. Disney from full time gainful employment.

Mr. Disney takes Neurontin (Gabapentin) 3x per day for his leg pain and help to prevent seizures. The medication side effects include dizziness, drowsiness, weakness, blurred vision, headaches. The side effects of the gabapentin would make it difficult for Mr. Disney to return to his career as Assistant Community Director. This is a job that requires stooping, bending, reaching and the medication would negatively affect Mr. Disney during his work.

Mr. Disney also takes Robaxin (methocarbamol) 750mg, 2-3x/day which is a muscle relaxant and caused sedation for nerve pain. The medication works by blocking nerve impulses or pain sensations that are sent to your brain. The side effects of this medication includes dizziness, fast heartbeat, feeling of warmth fever, headache, hive-like swelling on the face, eyelids, lips, tongue, throat, hands, legs, feet, bladder control, loss or memory, nausea and unusual tiredness.

Mr. Disney job as a Community Director which involves lifting, varying, pushing, pulling 20 lbs. Occasionally, frequently up to 10 Lbs., constantly. Also, walking and standing frequently, pushing and pulling of arm and leg controls, reaching occasionally, extending hand(s) or arm(s) in any direction, handling occasionally, seizing, holding, grasping, turning, or Otherwise working with hand or hands, handling, talking frequently and hearing frequently as part of his job duties.

Thus, the medication side effects would severely limit Mr. Disney employability as he would be unable to operate machinery or be unable to safely drive a motor vehicle for long distances as employment.

Summary of Medical Records:

Dr. Harold Iseke, DC evaluated Mr. Disney for eligibility for permanent and stationary evaluation and treatment on October 15, 2018. Dr. Iseke reported the Mr. Disney was seen on March 29, 2018 for evaluation of his cumulative trauma injuries from June 5, 2015 to March 12, 2018 and on a specific date February 14, 2018, while working as an assistant community director for Advances Management Company. At the time of the evaluation, Mr. Disney complained of headaches, back pain, pain on upper and lower extremities, and sleeping problems. He was recommended with physical therapy, chiropractic treatment, acupuncture, ECSWT and medications. During this evaluation, he is still symptomatic despite reporting some improvement in pain after treatment.

Dr. Isike and Dr. Peters reported Mr. Disney presents his physical complaints:

Head: The patient complains of frequent occipital, frontal sharp, throbbing headache radiating to down left arm with nausea. Exacerbation with stress, activity and prolonged work.

Cervical Spine: The patient complains of constant mild achy neck pain and stiffness becoming sharp, throbbing, burning severe pain radiating to left hand with numbness, tingling, weakness, cramping and muscle spasms with sudden or repetitive movement, lifting 10 pounds, looking up, looking down, bending and twisting.

Thoracic Spine: The patient complains of constant mild mid back pain and stiffness becoming sharp, throbbing, burning severe pain radiating to left hand with numbness, tingling, weakness, cramping and muscle spasms with sudden or repetitive movement, lifting 10 pounds, looking up, looking down, bending and twisting.

Lumbar Spine: The patient complains of constant moderate achy low back pain and stiffness becoming sharp severe pain radiating to bilateral legs with numbness, tingling, weakness, cramping and muscle spasms with sudden or repetitive movement, lifting 10 pounds, standing, walking, bending, kneeling, twisting and squatting.

Sleep: There is complaint of loss of sleep due to pain.

Psychological: The patient states that due to pain, he feels like his condition will never improve and is causing anxiety, stress, depression and irritability.

Dr. Iske also presented the Activities of Daily Living (ADL) Questionnaire which includes the following information as reported by Mr. Disney.

Self-Care

1. Take a bath – With Difficulty
2. Brush your teeth – With Some Difficulty
3. Dress yourself – With Some Difficulty
4. Comb your hair – With Some Difficulty
5. Eat/Drink without discomfort – Without Difficulty
6. Go to the toilet – With Some Difficulty
7. Urinate normally – With Some Difficulty

Communication

8. Write comfortably – With Some Difficulty
9. Type – With Some Difficulty
10. Speak – Without Difficulty

Physical Activity

11. Stand – With Difficulty
12. Sit – With Difficulty
13. Recline – With Some Difficulty
14. Walk Normally – With Some Difficulty
15. Climb stairs – With Some Difficulty

Sensory Function

16. Feel contact your skin –With Some Difficulty
17. Taste – Without Difficulty
18. Smell – Without Difficulty
19. Hear – Without Difficulty
20. See – Without Difficulty

Hand Functions

21. Grasp – With Some Difficulty
22. Differentiate between what you touch – Without Difficulty
23. Lift – With Difficulty

Travel

24. Ride on land forms of transportation – With Difficulty
25. Drive a vehicle – With Difficulty
26. Fly on a plane – With Some Difficulty

Sexual Function

27. Orgasm – Not Marked
28. Ejaculate – Not Marked
29. Lubricate – Not Marked
30. Achieve an erection – Not Marked

Sleep

31. Sleep restfully – Unable to do
32. Sleep normally at night – Unable to do

Dr. Iske also reported PAIN QUESTIONNAIRE for Mr. Disney:

Patient's self-assessment form (AMA Guides 5th Edition; Table 18-4 pg. 576)

I. PAIN (Rated 0-10; 0-None & 10-Excruciating)

- a. Pain now – 8
- b. Pain at its worst – 10
- c. Pain on the average – 9
- d. Pain aggravated by activity – 8
- e. Frequency of pain – 10

II. ACTIVITY LIMITATION (Rated 0-10; 0-None & 10-Unable to perform)

- a. Pain interfere with your ability to walk 1 block – 6
- b. Pain prevent you from lifting 10 lbs. – 7
- c. Pain interfere with ability to sit for ½ hour – 8
- d. Pain interfere with ability to stand for ½ hour – 8
- e. Pain interfere with ability to get enough sleep – 9
- f. Pain interfere with ability to participate in social activities – 7
- g. Pain interfere with ability to travel 1 hour by car – 8
- h. Pain interfere with general daily activities – 8
- i. Limit activities to prevent pain from getting worse – 8
- j. Pain interfere with relationships with family/partner/significant Others – 9
- k. Pain interfere with ability to do jobs around home – 9
- l. Pain interfere with ability to shower or bathe without help – 8
- m. Pain interfere with ability to write or type – 8
- n. Pain interfere with ability to dress yourself – 7
- o. Pain interfere with ability to engage in sexual activity – 8

p. Pain interfere with ability to concentrate – 8

- III. MOOD (Rated 0-10; 0-Extremely good & 10 Extremely bad)
- a. Overall mood – Not marked
 - b. Over past week, how anxious or worried have you been due to pain – Not marked
 - c. Over past week, how depressed have you been due to pain – Not marked
 - d. Over past week, how irritable have you been due to pain – 9
 - e. In general, how anxious/worried about performing activities because they might make your pain/symptoms worse – 9

Dr. Isike and Dr. Peters also reported Diagnoses for Mr. Disney on the evaluation process:

- 1. Headache (R51).
- 2. Spinal enthesopathy, cervical region (M46.02).
- 3. Radiculopathy, cervical region (M54.12).
- 4. Cervicalgia (M54.2).
- 5. Spinal enthesopathy, thoracic region (M46.04).
- 6. Pain in thoracic spine (M54.6).
- 7. Low back pain (M54.5).
- 8. Radiculopathy, lumbar region (M54.16).
- 9. Spinal enthesopathy, lumbar region (M46.06).
- 10. Sleep disorder, unspecified (G47.9).
- 11. Acute stress reaction (F43.0).
- 12. Major depressive disorder, single episode, unspecified (F32.9).
- 13. Anxiety disorder, unspecified (F41.9).
- 14. Irritability and anger (R45.4).
- 15. Chronic pain due to trauma (G89.21).
- 16. Myalgia (M79.1).
- 17. Myositis, unspecified (M60.9).

Dr. Isike and Dr. Peters stated on his report that when Mr. Disney reported an injury which he sustained while working with Advances Management Company. Mr. Disney reported having headaches, pain in his back, bilateral upper extremities, bilateral lower extremities and sleeping problems and sought medical care at Urgent Care in Garden Grove. Mr. Disney was evaluated and prescribed medication and was placed off work and was recommended with physical therapy, chiropractic treatment, acupuncture ECSWT and medications. Mr. Disney remained symptomatic despite the treatments and he has reached maximal medical improvement and is permanent and stationary. Disability status according to Dr. Isike and Dr. Peters at this point has reached maximum medical improvement with regard to orthopedic conditions and is therefore, classified to be permanent and stationary for rating purposes.

Dr. Isike and Dr. Peters also reported the Impairment Rating for Mr. Disney

Dr. Isike and Dr. Peters reports that the AMA Guides states that “the physicians judgment based upon experience, training, skill, thoroughness in clinical evaluation, and ability to apply guides criteria as intended, will enable appropriate and reproducible assessment to be made of clinical impairment”. (Chapter 15)

Cervical Spine: In determining the cervical spine impairment, the DRE method is also utilized. Objectively, he has tenderness, spasms, limitation of motion, and abnormal MRI findings. Using Table 15-5 on page 392, he is placed under DRE Cervical Category II and is given **8% WPI**.

Thoracic Spine: In determining the thoracic spine impairment, the DRE method was utilized based on the clinical findings of tenderness, spasms, limitation of motion, and positive orthopedic tests. Using Table 15-4 on page 398, he is placed under DRE Thoracic Category II and was given **5% WPI**.

Lumbar Spine: The lumbar spine condition is rated using the DRE method based on clinical findings of palpable tenderness over the lumbar paravertebral muscles, muscle spasm, and positive orthopedic tests. Using Table 15-3 on page 384, the patient’s condition qualifies under DRE Lumbar Category II which corresponds to **5% WPI**.

Psych: The patient’s psychiatric complaints is industrially related. However, impairment rating is deferred to the appropriate treating specialist.

Pain: The burden of the patient’s condition has been increased by pain-related impairment in excess of the pain component already incorporated in the WPI rating. This is in reference to Chapter 18 Section 18.3d on page 573 which states that, “If the individual appears to have pain-related impairment that has increased the burden of his or her condition slightly, the examiner may increase the percentage [of whole person impairment according to the body or organ rating system] by up to 3%.” This conclusion is based on the fact that he continues to have significant pain in the affected body parts causing marked alteration in performance of his activities of daily living. Dr. Isike and Dr. Peters assigned an additional pain-related impairment of **2% WPI**.

The impairment values obtained in the cervical spine (8% WPI), thoracic spine (5% WPI), and lumbar spine (5% WPI) are then combined using the Combined Values Chart on page 604 which would yield **17% whole person impairment of the spine**.

The patient has been assigned an additional 2% WPI for his pain-related impairment yielding a total of **19% whole person impairment**.

Dr. Isike and Dr. Peters reported apportionment in which he stated that based from the information provided, there are no substantial medical evidences of symptoms, disability or impairment prior to the patient’s employment at Advances Management Company as an assistant community director. Dr. Isike and Dr. Peters concluded that his injuries arose out of and in the course of his employment with the aforementioned employer. As such, 100% is apportioned to

the cumulative trauma from June 5, 2015 to March 12, 2018 and February 14, 2018 accidents. Mr. Disney work condition has reached maximum medical improvement (MMI) on October 15, 2018. Mr. Disney restrictions which includes his neck in which he is precluded to no overhead activities, and no activities involving repetitive motion of the neck or involving comparable physical effort. In regard to his mid and lower back, he is restricted from heavy lifting, squatting, stooping prolonged standing, sitting, climbing, twisting, walking on uneven grounds, or Other activities involving comparable physical effort.

HISTORY OF PRESENT ILLNESS AND INJURY:

Mr. Disney is a 41 years old right-handed male who states that while employed with Advances Management Company as an assistant community director, he sustained injuries on a cumulative trauma basis from June 5, 2015 to March 12, 2018 and on a specific date February 14, 2018. He has been employed for this company for a period of two and a half years and date of hire was in June 2015.

From June 5, 2015 to March 12, 2018, he started to experience headaches, pain in his back, bilateral upper extremities and bilateral lower extremities, which he attributed to constant sitting, twisting and bending. Mr. Disney states that the back pain worsened when he twisted his back as he was walking off a side walk. The incident was known but his employer did not make any recommendations. He managed the pain by seeking medical attention on his own around the end of April 2017 with a private physician in Garden Grove while he was evaluated, diagnostic studies were taken, was prescribed medication, started on a course of physical therapy and returned to work with restrictions. He continued working with persistent symptoms. He continued to attend follow-up visits and treatment until approximately September 2017 at which time despite the pain he decided to stop seeking medical attention until February 14, 2018.

On February 14, 2018, while the patient was driving during work, he sustained aggravating injuries and later developed worsening headaches and sleeping problems when he was involved in a motor vehicle accident. He states that he was exiting an off ramp and was rear-ended in a hit and run accident. Mr. Disney states that he experienced worsening pain to his back and sought medical care at Urgent Care in Garden Grove. Mr. Disney was evaluated and was prescribed medication, placed off work and discharged. Mr. Disney has since continued to work with restrictions on his own to present.

REVIEW OF MEDICAL RECORDS:

Dr. Harold Iseke, DC Medical Reports
Dr. Todd Peters, MD, QME Report
Dr. Valerie Chyle, APRN, PLCC Medical Report

General Observations During Vocational Interview

The evaluation of Mr. Disney took place on September 30, 2019 303 N. Glen Oaks Blvd, Unit 200, Burbank CA 91504.

Mr. Disney informed me that he drove approximately thirty (30) minutes to the evaluation.

Mr. Disney said that he did not consume any medication prior to the evaluation.

He was cooperative and talkative and had normal response timing.

Mr. Disney was moving around a lot in his chair but did not get up, he said that standing would not help his pain.

He was able to answer all my interview questions completely and asked a few questions his self.

He used his right hand to mark the vocational testing material. He held the pen between his index finger and his thumb. Mr. Disney used his right hand to turn the pages of the vocational testing material.

Observations During the Raven

Mr. Disney started the Raven Standard Progressive Matrices at 10 am and he understood the directions for the Raven.

Mr. Disney displayed normal response timing for someone who was taking the assessment for the first time.

He explained that he wasn't good with patterns, and that his back, neck, and hands were beginning to bother him.

Mr. Disney seemed a little nervous about the assessment, He wanted to know if it was an intelligence test.

He stated that he wanted to obtain a good score because he did not want to be labeled unintelligent.

After completion of the assessment, he was asked if he needed to take a break. Mr. Disney said he would like to continue.

Observations During the CAPS Assessment

Mr. Disney understood the directions for test one (1) of the CAPS completely without repeated instruction. He explained that he understood the directions before proceeding with the assessment. He answered both example questions correctly for test one (1) of the CAPS.

He stated he never considered the concept of mechanical reasoning was involved in everyday life.

Mr. Disney understood the directions for test two (2) of the CAPS completely without repeated instruction. He explained that he understood the directions before proceeding with the assessment. He answered one (1) of two (2) example questions correctly for test two (2) of the CAPS.

On test three (3) of the CAPS Mr. Disney was asked to read and explain the directions for the test. He explained that he understood the directions before proceeding with the assessment. He answered both example questions correctly for test three (3) of the CAPS.

Mr. Disney seemed more relaxed and comfortable during test three (3). He said that he did not like to read, but he did complete the test. He stated that it was not difficult.

Mr. Disney understood the directions for test four (4) of the CAPS completely without repeated instruction. He explained that he understood the directions before proceeding with the assessment. He answered both example questions correctly for test four (4) of the CAPS.

On test five (5) of the CAPS Mr. Disney was asked to read and explain the directions for the test. He demonstrated a basic understanding; however, I provided his further explanation to ensure that Mr. Disney understood the directions. He explained that he understood the directions before proceeding with the assessment. He answered one (1) of three (3) example questions correctly for test five (5) of the CAPS.

Mr. Disney understood the directions for test six (6) of the CAPS completely without repeated instruction. He explained that he understood the directions before proceeding with the assessment. He answered both example questions correctly for test six (6) of the CAPS.

He said that he was feeling good about taking this test. He explained that he was no longer worried about the interpretation of his scores and that he liked this test.

Upon completion of the vocational assessment, Mr. Disney stated that on a scale of one (1) to ten (10), with ten (10) being the most severe, his pain level was a ten (10). He expressed pain in his back, neck stiffness, shoulder tightness and some cramping in his fingers and hands.

Mr. Disney was very cooperative and pleasant throughout this evaluation.

Vocational Testing Administered

I administered vocational testing to Mr. Disney on September 30, 2019.

He was given the **Raven Standard Progressive Matrices** using a paper report.

The **CAPS** exam was similarly provided in computer form.

Mr. Disney test scores were utilized to aid me in identifying his level of aptitudes and abilities. Further observation of Mr. Disney during the completion of vocational testing can also be used to establish how he follows directions and is able to maintain a workstation. An explanation

regarding the vocational assessments given to Mr. Disney and the norms used to score Mr. Disney assessment results are found in Appendix A. He completed the following assessments.

RAVEN Standard Progressive Matrices:

Mr. Disney was forty-one (41) years old when he was given the Raven Standard Progressive Matrices test on September 5, 2018. After the vocational interview, he took the test using a paper report and answer sheet. The Raven Standard Progressive Matrices Test is a measure of abstract reasoning and reflects on the ability to solve problems and take in information. (Please see attachment, Appendix B)

The Raven Standard Progressive Matrices (Raven) is a non-verbal measure of the general factor involved in intelligence. The Raven is a pattern recognition test. It is a 60-item test used in measuring abstract reasoning and regarded as a non-verbal estimate of fluid intelligence. It is made of 60 multiple choice questions, listed in order of difficulty. The Abstract tests will almost always be part of assessment for a job. It is used in situations where the examiners want to measure the ability of an individual that is not based on educational background, cultural or linguistic deficiencies. Although these tests seem to have no direct connection with the content of the job you are applying for, they provide an idea of the extent to which you can find solutions and whether you can work flexibly with unfamiliar information. It is thus an indicator of the applicant's IQ. The RAVEN test is composed of geometric figures that require the test taker to select among a series of designs the one that most accurately represents or resembles the one shown in the stimulus material.

Mr. Disney's test scores were utilized to aid me in identifying him level of aptitudes and abilities. Further observation of Mr. Disney during the completion of vocational testing can also be used to establish how he follows directions and is able to maintain a workstation.

During the test, I have provided the explanation regarding the vocational assessments given to Mr. Disney and the norms used to score for the test. Mr. Disney started the Raven Standard Progressive Matrices at 11:00 a.m. he understood the directions for the Raven Standard Progressive Matrices. Mr. Disney displayed normal response timing for someone who was taking the assessment for the first time. At 12:00 p.m. he explained that he wasn't good with patterns, and that his back, neck, and hands were beginning to bother him. Mr. Disney seemed a little nervous about the assessment, he wanted to know if it was an intelligence test. He stated that he wanted to obtain a good score because he did not want to be labeled unintelligent. Mr. Disney completed the Raven Standard Progressive Matrices at 2:00 p.m. After completion of the assessment, he was asked if he needed to take a break. Mr. Disney said he would like to continue the test.

Mr. Disney's test results showed that he scored in category **GRADE III "Intellectually average", the score lies between the 25th and the 75th percentiles.** Mr. Disney scored 40 correct out of 60 items which puts him on the Grade 111 – Intellectually Average which means that the 25th and 75th percentiles mark the boundaries for the middle 50% of client's that took

the test. Half of the clients scored above or below these numbers. For practical purposes, it is convenient to consider certain percentages of the population and to group people's score accordingly. In this way it is possible to classify a person according to the score he obtains as the following:

GRADE I “Intellectually superior”, if a score lies at or about the 95th percentile for people of the same age group.

GRADE II “Definitely above the average in intellectual capacity”, if a score lies at or above the 75th percentile. (It may be designated II+ if it lies at or above the 90th percentile.)

GRADE III “Intellectually average”, if a score lies between the 25th and the 75th percentiles. (It may be designated as III+, if it is above the 50th percentile, and III-, if it is below it.)

GRADE IV “Definitely below average in intellectual capacity”, if a score lies at or below the 25th percentile (it may be designated IV-, if it lies at or below the 10th percentile.)

GRADE V “Intellectually impaired”, if a score lies at or below the 5th percentile for that age group.

The result of Raven Progressive Matrices (RPM) shows that Mr. Disney has average intelligence which indicates that he seems to have greater reasoning ability and greater cognitive capacity to analyze information. Mr. Disney results reveal that he can excellently make insights and comprehend relationships among nonverbal figures or designs. Mr. Disney score results also shows that he has quickness of mind and have the ability to infer and apply patterns and ability to deal with mental complexity in which are all aspects of our general intelligence. Mr. Disney test scores also shows that he has the ability to reason, plan, solve problems, think abstractly, comprehend complex ideas and learn quickly from experience. Mr. Disney test scores also shows that he has the ability to adapt effectively to the environment either by making a change in oneself or by changing the environment and finding a new one. Mr. Disney test results also states that he has the capacity to reorganize his behavior patterns and have the ability to act more effectively appropriately.

CAPS: Career Ability Placement Survey

The CAPS consist of eight (8) test. Test one (1) measures Mechanical Reasoning, test two (2) measures Spatial Relations, test three (3) measures Verbal Reasoning, test four (4) measures Numerical Ability, test five (5) measures Language Usage, test six (6) measures Work Knowledge, test seven (7) measures a person's Perceptual Speed and Accuracy, and test eight (8) measures an individual's Manual Speed and Dexterity. The test is described as follows:

Vocational Observations During the CAPS Assessment:

Mr. Disney was very cooperative and pleasant throughout this evaluation. Mr. Disney was administered the CAPS. He completed eight (8) of eight (8) assessments, which were relevant to determine his aptitudes and abilities. (Please see attachment – Appendix B).

Mr. Disney have attained the following results from CAPS:

Accessible CAPS Career Profile Results:

Career Cluster	Cutoff Score	Your Score	Plus
Science Professional	52	3	false
Science Skilled	30	3	false
Technology Professional	40	11	false
Technology Skilled	8	4	false
Consumer Economics	8	3	false
Outdoor	4	3	false
Business Professional	40	4	false
Business Skilled	20	5	false
Clerical	30	4	false
Communication	40	5	false
Arts Professional	40	2	false
Arts Skilled	30	4	false
Service Professional	40	5	false
Service Skilled	4	3	false

Mechanical Reasoning: Mr. Disney scored 50th percentile score in Mechanical reasoning which is considered low. This test measures how well you understand mechanical principles and the laws of physics. This ability is important especially in courses in Industrial Arts and occupations in Technology as well as jobs in Science.

Spatial Relations: Mr. Disney scored 10th percentile score in Spatial Relations which is considered below average. This test measures how well you can visualize or think in three dimensions and mentally picture the position of objects from a diagram or picture. This ability is important in courses in Art and Industrial Arts and jobs in Science, Technology, and Arts.

Verbal Reasoning: Mr. Disney scored 39th percentile score in Verbal Reasoning which is considered low. This test measures how well you can reason with words and your facility for understanding and using concepts expressed in words. This ability is important in general academic success and in Jobs requiring written or oral communication, especially professional level occupations in Communication, Science and service involving high levels of responsibility and decision making.

Numerical Ability: Mr. Disney scored 39th percentile score in Verbal Reasoning which is considered low. This test measures how well you can reason with and use numbers and work

with quantitative materials and ideas. This ability is important in school courses and Jobs in fields of Science and Technology involving mathematics, chemistry, physics, or engineering, and in Business and Clerical fields.

Language Usage: Mr. Disney scored 10th percentile score in Language Usage which is considered a little below average. This test measures how well you can recognize and use standard grammar, punctuation and capitalization. This ability is especially important in Jobs requiring written or oral communication and in Clerical Jobs as well as professional level occupations in Science, and in all levels of Business and Service.

Word Knowledge: Mr. Disney scored 45th percentile score in Word Knowledge which is considered a little below average. This test measures how well you can understand the meaning and precise use of words. This is important in Communication and all professional level occupations involving high levels of responsibility and decision making.

Perceptual Speed and Accuracy: Mr. Disney scored 22nd percentile score in Perceptual Speed which is considered low. This test measures how well you can perceive small detail rapidly and accurately within a mass of letters, numbers, and symbols. This ability is important in office work and Other jobs requiring fine visual discrimination.

Manual Speed and Dexterity: Mrs. Viera scored 11th percentile score in Manual Speed and Dexterity which is considered below average. This test measures how well you can make rapid and accurate movements with your dominant hand. This ability is important in Arts, Skilled and Technology, skilled occupations and Other jobs requiring use of the hands.

The results of Mr. Disney's test reports that his strongest areas were in the "Science Skilled" area. Occupations that would fall under this area are fields of medicine and life and physical sciences, such as Community Director, Medical Assistant and Pharmacy Technician. He also scored well in the "Technology Professional" area which includes jobs in engineering and structural design in the manufacturing, construction or transportation of products or utilities. Occupations in this area include Computer Specialist or Web Developer.

TSA: Transferrable Skills Analysis

To assist in my analysis, I used the OASYS system to analyze a computerized transferrable skills analysis.

The **OASYS** is system used to analyze a computerized transferrable skills analysis. The OASYS system is a computerized aided Vocational Expert support system. The system matches an individual's skills to employer demands. The OASYS system is used to gain access to the following aggregate resources:

- Dictionary of Occupational Titles (DOT)
- National Employment Outlook
- State Employment Outlook
- Census Wage Data

- O-Net Occupational Information

The OASYS program provides vocational options that remain available for Mr. Disney due to him functional limitations. However, these results are subject to further analysis by me based upon my training, experience, and knowledge of the workforce. Further research was conducted with the Employment Development Department (EDD), the Social Security Administration (SSA), and the Occupational Employment Quarterly (OEQ) in helping make my determinations.

The EDD supplies information regarding the types of occupations available within geographical areas including the salaries available for various occupations. The EDD lists potential occupations available to Mr. Disney in him geographical area. (see attachment on Appendix B)

Work History Summary and Corresponding DOT Codes

Mr. Disney prior work experience includes positions as a Community Director and Sales Associates (Please see Attachment on Appendix C). Both occupations were used as part of the transferrable skills analysis.

OASYS System Settings

The OASYS system accessed in Los Angeles, Long Beach and Anaheim, California Metropolitan Division (MD) to determine Mr. Disney transferability of skills.

The OASYS system factored in information for the labor market from year June 2019 which is the most recent data available.

Mr. Disney entire work history was used to determine transferability of skills.

The DOT occupations have a Specific Vocational Preparation (SVP) level. This is defined as the amount of lapsed time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average performance in a specific Job-worker situation.

The DOT defines the SVP levels as follows:

Level	Time
1.	Short demonstration only
2.	Anything beyond short demonstration up to and including 1 month
3.	Over 1 month up to and including 3 months
4.	Over 3 months up to and including 6 months
5.	Over 6 months up to and including 1 year
6.	Over 1 year up to and including 2 years
7.	Over 2 years up to and including 4 years

8. Over 4 years up to and including 10 years
9. Over 10 years

The **Occupational Employment Quarterly (OEQ)** states that unskilled employment has an SVP level of one (1) or two (2), semi-skilled employment has an SVP level of three (3) to four (4), and skilled employment has an SVP level greater than four (4). I agree with these definitions of unskilled, skilled, and skilled employment after reviewing SVP as defined by the DOT.

Mr. Disney work history shows that he had the capacity to work at an SVP level of 3, which is considered **semi- skilled**.

Further research was also conducted with the Social Security Administration (SSA) SSR §404.1568 Skill Requirements which states the following about semi- skilled work:

“(b) **Semi-skilled** work is work which needs some skills but does not require doing the more complex work duties. Semi-skilled work may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise looking for irregularities; or tending or guarding equipment, property, materials or persons against loss, damage or injury; or other types of activities which are similarly less complex than skilled work, but more complex than unskilled work. A job may be classified as Semi-skilled where coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.”

Mr. Disney subjective physical tolerances were not used in the determination of him transferability of skills.

The **OASYS** system was set to review Potential Matches, which are jobs that Mr. Disney has the potential to perform according to him education, abilities, and personal interests. Potential Matches are based on worker traits and may require a career change.

The **OASYS** system is unable to consider a full range of psychiatric limitations. As it relates to psychiatric limitations, the OASYS system can consider the following “situations”:

- Directing, controlling, or planning activities of Others
- Performing repetitive or short-cycle work
- Influencing people in their opinions, attitudes, and judgements
- Performing a variety of duties
- Expressing personal feelings
- Working alone or apart in physical isolation from Others
- Performing effectively under stress
- Attaining precise set limits, tolerances, and standards
- Working under specific instructions
- Dealing with people
- Making judgements and decisions

The **OASYS** system was set to consider a pre-injury functional ability at a Sedentary level of physical functioning, which was Mr. Disney level of physical functioning primarily performed prior to him subsequent industrial injury. The Dictionary of Occupational Title (DOT) defines a Sedentary level of functioning as Sedentary Work- Exerting up to ten (10) pounds of force frequently to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involved sitting most of the time but may involve walking or standing for brief periods of time.

Results of Transferable Skills Analysis

The OASYS system found two (2) positions that Mr. Disney could have performed prior to him subsequent industrial injury. Given the limitations, the jobs with the same work fields meaning same work requirements includes jobs in Merchandising Sales and Health Caring Medical but Mr. Disney lacks training in this area and will be requiring training in the field.

SKILL TRANSFER COMPONENTS

Work Fields

Code	Title	SVP
292	Merchandising-Sales	3
294	Health Caring-Medical	6

The OASYS system determined that Mr. Disney, given him functional limitations, has incurred a ninety-two (92) percent loss of labor market access. Mr. Disney will not be able to be work due to the physical demands of the job. This job requires lifting, carrying, pushing, pulling 20 Lbs. occasionally, frequently up to 10 lbs. constantly. This job also requires walking, standing frequently, pushing and or pulling of arm. Also, this job requires reaching and occasionally extending hands and arms and handling occasionally, holding, grasping, turning, or otherwise working with hand or hands. This job also requires fingering and occasional picking, pinching otherwise working primarily with fingers rather than with the whole hand or arm as in handling.

Mr. Disney also could not be able to be retrained in with these occupations due to the fact that he would have to obtain a degree in Medical Services. The Medical Health Caring services workers typically need at least a bachelor's degree to enter the occupation. Jobs in California will require licensure at least a bachelor's degree to complete a state-approved training program and pass a national licensing exam.

The results of the OASYS Program and the results of the transferable skills analysis in all vocational probability contributed to my opinion that Mr. Disney is unable to return to work in any position or occupation. (Please see attachment on Appendix F)

It is also my opinion that Mr. Disney is unable to return to work in any position or occupation based on the synergistic effect of his functional limitations.

Dr. Isike and Dr. Peters indicated that Mr. Disney is precluded from performing repetitive wrist movement in flexion an extension plus heavy lifting, heavy pushing, heavy pulling, heavy gripping, and all Other activities of comparable physical effort and repetitive fine finger dexterity activities with him dominant right wrist and hand. The functional limitations assigned to Mr. Disney further erodes the labor market that would be available to him at a Sedentary level of physical functioning. A sedentary level of jobs is defined as one which involves sitting, a certain amount of walking and standing is often necessary in carrying out job duties. Although sitting is primarily involved in a sedentary job, walking and standing should be required only occasionally. There are limited jobs or increasingly fewer jobs for Mr. Disney that he can do you can do due to this "eroding the occupational base" for sedentary work. With Mr. Disney multiple work-related limitations, the occupational base for sedentary work has been significantly eroded to the point that there are no sedentary jobs he is capable of doing due to him physical limitations.

The OASYS system does produce occupations occurring at an SVP of one (1) or two (2). Jobs in these categories are considered simple jobs that do not require multiple steps to complete job tasks. These jobs were taken in consideration during the completion of the transferable skills analysis. However, the loss of capacity of him bilateral upper extremities significantly reduce the labor market available Mr. Disney at a Sedentary level of physical functioning.

Mr. Disney was administered the GAF (Global Assessment of Functioning) and received a GAF score of 60. Mr. Disney GAF score means that he has difficulty in social, occupational, or school functioning (e.g., few friends, conflicts with peers or co-workers). Dr. Kirz psychiatric limitations which explained work limitations and preclusions based on Mr. Disney GAF (Global Assessment of Functioning) score of 60. The GAF score means that Mr. Disney has difficulty functioning in social, occupational, or school settings (e.g., few friends, conflicts with peers or co-workers). A few of the impairments of functioning include:

1. Activities of Daily Living- Mild Impairment
2. Social Functioning- Mild Impairment
3. Concentration- Mild Impairment
4. Adaptation- Mild Impairment

Mr. Disney has mild impairments in activities of daily living, social functioning, concentration and adaptation as well as depression, anxiety, low self-esteem and other psychological factors, all of which would also contribute to Mr. Disney's labor disablement. Mr. Disney's job as a Mr. Disney GAF score of 53 indicates that it will be difficult for Mr. Disney to function socially,

especially in an occupational setting like him work where he has to interact on a constant basis with the patient as well as him co-workers.

The synergistic effect of the previously mentioned functional limitations resulting from Mr. Disney pre-existing non-industrial and industrial injuries, combined with him cumulative trauma industrial injury of Mr. Disney in all vocational probability has incurred a total loss of labor market access.

Amenableness to Rehabilitation

Methods of Rehabilitation

- 1) Modified Work
- 2) Alternative Work
- 3) Direct Placement
- 4) On-the-Job-Training (OJT)
- 5) Vocational Training
- 6) Self-Employment

Methods #1 and #2: Mr. Disney employer has been unable to offer permanent modified or alternative work accordingly; Mr. Disney is not amenable to this form of vocational rehabilitation. Mrs. Viera employer which consist of no more than 5 employers will have undue hardship since the Community Director job cannot be modified or cannot be alternated because the job requires to perform the essential functions of the job in which Mr. Disney would not be able to do because the job requires constant use of him hands to handle him work and also the frequent bending and twisting of him body as well as sitting and standing for long periods of time.

Methods #3 and #4: Mr. Disney's direct placement and OJT (On the Job Training) will not also apply home since both requires and demands the essential function of the job in which Community Director job which involves performing many tasks requiring interpersonal, physical and technical skills. Community Director is responsible for sterilization, preparation and inventory control of dental instruments and supplies. Physical requirements of the job will require the use of him fingers to grasp, move and assemble very small objects and make quick, precise adjustments.

The functional limitations assigned by his doctor's compromise Mr. Disney to the point that him post-injury occupational base will be completely eroded rendering him not amenable to this form of vocational rehabilitation.

Method #5

Vocational retraining programs would provide Mr. Disney with new or enhanced skills for new types of work. However, the training programs available for him are extremely limited given the significant functional limitations assigned by the doctors noted above. Participating in vocational

training programs will require for him to participate with the vocational programs such as doing work evaluations and vocational trainings to prepare him for employment.

Vocational rehabilitation retraining plans may produce new employment opportunities for Mr. Disney but it is clear that the functional limitations assigned to Mr. Disney is a complete loss of labor market access. Mr. Disney is very limited in participating in any of the vocational training program and it will be physically demanding for him to participate in the vocational evaluation and assessment process for employment purposes. Him ability to compete in the open labor market has been completely eroded due to the fact that it will be physically demanding for him to engage in the vocational training program process for employment purposes.

Method #6:

Self-employment is one of the most “rigorous, high risk” type of plans. At the very least a market analysis, competition location, pricing, income/revenue projection and an evaluation of the plan to be developed, implemented, and maintained over time is required in my opinion and considering the disabling effects of Mr. Disney industrial conditions, it would be futile to spend the limited available resources to conduct such an evaluation.

Therefore, when considering the synergistic effect of Mr. Disney pre-existing non-industrial and industrial functional limitations, combined with the functional limitations resulting from him industrial injury. Mr. Disney amenability to rehabilitation is significantly impaired meaning that vocational rehabilitation will not return him to the open labor market.

Transferrable Skills Analysis

I used the OASYS system to analyze a computerized transferrable skills analysis. The OASYS system is a computerized aided Vocational Expert support system. The system matches an individuals’ skills to employer demands. The OASYS system is used to gain access to the following aggregate resources:

Dictionary of Occupational Titles (DOT)

National Employment Outlook

State Employment Outlook

Census Wage Data

O-Net Occupational Information

The OASYS program provides vocational options that remain available for Mr. Disney due to his functional limitations. However, these results are subject to further analysis by me based upon my training, experience, and knowledge of the workforce. Further research was conducted with the Employment Development Department (EDD), the Social Security Administration (SSA), and the Occupational Employment Quarterly (OEQ).

The EDD supplies information regarding the types of occupations available within geographical areas including the salaries available for various occupations. The EDD lists potential occupations available to Mr. Disney in his geographical area.

Work History Summary and Corresponding DOT Codes

Mr. Disney prior work experience includes positions as a Community Director

These occupations were used as part of the transferrable skills analysis.

Mr. Disney prior work history as a Quality Control Manager

Mr. Disney prior work history as a Customer Service Representative

OASYS System Settings

The OASYS system accessed the Los Angeles, Long Beach - Anaheim California Metropolitan Division (MD) to determine Mr. Disney transferability of skills.

The OASYS system factored in information for the labor market from year June 2019, which is the most recent data available.

Mr. Disney entire work history was used to determine transferability of skills.

The DOT occupations have a Specific Vocational Preparation (SVP) level. This is defined as the amount of lapsed time required by a typical worker to learn the techniques, acquire the information, and develop the facility needed for average performance in a specific Job-worker situation.

The DOT defines the SVP levels as follows:

Level	Time
	Short demonstration only
	Anything beyond short demonstration up to and including 1 month
	Over 1 month up to and including 3 months
	Over 3 months up to and including 6 months
	Over 6 months up to and including 1 year
	Over 1 year up to and including 2 years
	Over 2 years up to and including 4 years
	Over 4 years up to and including 10 years
	Over 10 years

The Occupational Employment Quarterly (OEQ) states that unskilled employment has an SVP level of one (1) or two (2), semi-skilled employment has an SVP level of three (3) to four (4), and skilled employment has an SVP level greater than four (4). I agree with these definitions of unskilled, skilled, and skilled employment after reviewing SVP as defined by the DOT.

Mr. Disney work history shows that He had the capacity to work at an SVP level of 9, which is considered skilled

Further research was also conducted with the Social Security Administration (SSA) SSR §404.1568 Skill Requirements which states the following about semi- skilled work:

“(b) Skilled work is work which needs some skills but does require doing the more complex work duties. A skilled worker is any worker who has special skill, training, knowledge, and These workers can be either blue-collar or white-collar workers, with varied levels of training or education. Semi-skilled work may require alertness and close attention to watching machine processes; or inspecting, testing or otherwise looking for irregularities; or tending or guarding equipment, property, materials or persons against loss, damage or injury; or other types of activities which are similarly less complex than skilled work, but more complex than unskilled work. A job may be classified as semi-skilled coordination and dexterity are necessary, as when hands or feet must be moved quickly to do repetitive tasks.”

Mr. Disney non-industrial vocational factors i.e., failure to graduate high school, or economic conditions were not used in the determination of his transferability of skills.

Mr. Disney subjective physical tolerances was not used in the determination of his transferability of skills.

The OASYS system was set to review Potential Matches which are jobs that Mr. Disney has the potential to perform according to his education, abilities, and personal interests. Potential Matches are based on worker traits and may require a career change.

The OASYS system is unable to consider a full range of psychiatric limitations. As it relates to psychiatric limitations, the OASYS system can consider the following “situations”:

Directing, controlling, or planning activities of other

Performing repetitive or short-cycle work

Influencing people in their opinions, attitudes, and judgements

Performing a variety of duties

Expressing personal feelings

Working alone or apart in physical isolation from Others

Performing effectively under stress

Attaining precise set limits, tolerances, and standards

Working under specific instructions

Dealing with people

Making judgements and decisions

The OASYS system does not consider a full range of functional limitations as set forth Dr. Isike and Dr. Peters including preclusions from repetitive movements of the neck, prolonged static postures, undue emotional stress, complicated work, sustained attention, human resource related activities, and safety-intensive work environments.

The OASYS system also does not consider the need for a part-time schedule with frequent breaks due to his fragile and emotional state, accommodation of increased time due to slower pace and persistence and his need for frequent feedback on performance recommended by the SIBTF evaluators.

The OASYS system was set to consider a pre-injury functional ability at a Sedentary level of physical functioning, which was Mr. Disney level of physical functioning primarily performed prior to his subsequent industrial injury. The DOT defines a Sedentary level of functioning as:

“S- Sedentary Work- Exerting up to ten (10) pounds of force frequently to lift, carry, push, pull, or otherwise move objects, including the human body. Sedentary work involved sitting most of the time but may involve walking or standing for brief periods of time.

Based on the functional limitations as set forth by Dr. Isike and Dr. Peters, the OASYS system was set to review occupations occurring at Sedentary level of physical functioning.

The Ability Profile which shows the settings used in the OASYS system to determine Mr. Disney transferability of skills has been attached to this report.

Results of Transferable Skills Analysis

The OASYS system found positions/areas that Mr. Disney could have performed prior to his subsequent industrial injury. Given the limitations as outlined by Dr. Isike and Dr. Peters the OASYS system found position/areas that Mr. Disney could be considered but with limitations. These jobs include the following: (see attached vocational report)

Materials, Products, Subjects Matter, and Services

The OASYS system determined that Mr. Disney given his functional limitations has incurred a ninety-two (92) percent loss of labor market access.

However, as noted above, the OASYS system fails to consider a full range of the functional limitations put forth by her doctor.

The results of the OASYS system were subject to further analysis by me based on my training, experience and knowledge of the workforce, research conducted with the Employment

Development Department (EDD) the Social Security Administration (SSA), and relevant case law.

The EDD provides information regarding the types of occupations available within the geographical area and salaries available for various occupations. I conducted research with the EDD to determine potential occupations available to Mr. Disney in his geographical area.

My additional research and the results of the transferable skills analysis, in all vocational probability, contributed to my opinion that Mr. Disney is unable to return to work in any position or occupation.

It is also my opinion that Mr. Disney is unable to return to work in any position or occupation based on the synergistic effect of the functional limitations described by her doctor.

According to SSA Policy SSR 83-12, Titles II and XVI: Capability to do Other Work. The Medical-Vocational Rules as a Framework for Evaluating Exertional Limitations Within a Range of Work or Between Ranges of Work, “Loss of major use of an upper extremity is rather definitive in that this is a considerable absence of functional ability.”

According to SSA Policy SSR 83-14 Titles II and XVI Capability to do Other Work – The Medical Vocational Rules as a Framework for Evaluating a Combination of Exertional and Non-Exertional Impairments. “For example, section 201.00(h) of Appendix 2 calls attention to the fact that bilateral manual dexterity is necessary for the performance of substantially all unskilled sedentary occupations.”

According to SSA policy SSR 85-15, Titles II and XVI Capability to do Other Work – The Medical-Vocational Rules as a Framework for Evaluating Solely Non-Exertional Impairments Section 2(c), “Significant Limitations of reaching or handling, therefore, may eliminate many occupations a person could Otherwise do.”

SSA Policy SSR 96-9p, Polley Interpretation Ruling Titles II and XVI. Determining Capability to Do Other Work – Implications of A Residual Functional Capacity for Less Than A Full Range of Sedentary Work indicates the following regarding hand usage:

“Manipulative limitations: Most skilled Sedentary Jobs require good use of both hand and fingers: i.e., bilateral manual dexterity Fine movements of small objects require use of the fingers, e.g., to pick or pinch Most skilled sedentary jobs require good use of hands and fingers for repetitive hand, finger actions. Any *significant* manipulative limitation of an individuals’ ability to handle and work with small objects with both hands will result in a significant erosion of the skilled sedentary occupational base.” and also his psychiatric impairments due to his disabling conditions affects his ability to perform any daily employment activities.

The functional limitations assigned to Mr. Disney significantly erodes the labor market that would be available to him at a Sedentary level of physical functioning.

In his report, Dr. Isike and Dr. Peters states that Mr. Disney is precluded from jobs based on commission, or daily or weekly performances quotas to minimize stress and anxiety, environments, temperature extremes, uneven surfaces or sharp objects because of Mr. Disney medical diagnosis. He is also precluded from jobs requiring sustained attention, office work and clerical positions or human resource related activities because of his short-term memory recall and cognitive impairments.

The functional limitations assigned to Mr. Disney further erodes the labor market that would be available to him at a Sedentary level of physical functioning.

The OASYS system does produce occupations occurring at an SVP of one (1) or two (2).

Jobs in these categories are considered simple jobs that do not require multiple steps to complete job tasks. These jobs were taken in consideration during the completion of the transferable skills analysis. However, the loss of capacity of his bilateral upper extremities significantly reduce the labor market available Mr. Disney at a Sedentary level of physical functioning.

Dr. Isike and Dr. Peters also listed the following impairments to functioning for Mr. Disney:

Activities of Daily Living- Mild Impairment

Social Functioning- Mild Impairment

Concentration- Mild Impairment

Adaptation- Mild Impairment

The synergistic effect of the previously mentioned functional limitations resulting from Mr. Disney pre-existing non-industrial and industrial injuries, combined with his cumulative trauma industrial injury of Mr. Disney in all vocational probability, has incurred a total loss of labor market access.

My use of synergism is supported by Dr. Isike and Dr. Peters and treating doctors who states the following on his report:

“It is apparent that the degree of disability caused by the combination of both disabilities is greater than that which would have resulted from the subsequent injury alone.”

The use of synergism is based on the case of *State of California Department of Health, Fairview State Hospital v. Worker's Compensation Appeals Board for the State of California and Matilda McDonald* (WCAB No. 76ANA62716, Civil No. 29080) Court of Appeal Fourth Appellate District, Division 2, which explains that on September 3, 1981 a Workers' Compensation Judge issued a Supplemental finding and Award finding showing due cause to reopen, and that Ms. McDonald was one hundred percent (100%) permanently disabled due to the combined effect of his psychiatric and orthopedics disabilities. The Appeals Board issued an Opinion and Decision After Reconsideration affirming the judge's decision on May 20, 1982.

The use of synergism is a standard further strengthened by the Opinion and Order Denying Petition for Reconsideration dated September 15, 2015 regarding the State of California Workers' Compensation Appeals Board Panel Decision regarding *Cindy Kenzy v Flour Creations State Compensation Insurance Fund*, WCAB No ADJ7009098. The decision explained the finding that Ms. Kenzy was one hundred percent (100%) permanently disabled as follows:

“We agree with the WCJ’s determination that when viewing the record, including the multiple work limitations/restrictions and ‘synergistic effect’ as discussed by the vocational consultant, therefore is substantial evidence in support of his determination of 100 % permanent disability due solely to industrial factors.”

rehabilitation will not return his to the open labor market.

Accommodations

I have considered workplace accommodations. Employers are required to provide reasonable accommodations to allow an individual to complete the essential functions of their job.

As indicated above, employers must provide reasonable accommodations to Mr. Disney to perform essential functions of any job he could obtain in the open labor market considering the extensive functional limitations assigned by Dr. Isike and Dr. Peters, I believe employers in the open labor market would be unable to accommodate Mr. Disney due to the synergistic effect of his myriad of functional limitations.

Montana Factors

Montana Factors are taken from the case of *Argonaut Ins. Co v Industrial Acc. Com (Montana)* (1962) 57 CaL2d 589 [27 Cal Comp Cases 130) Montana Factors include ability to work, health willingness and opportunities for persons similarly situated.

I believe Mr. Disney ability to work and health, willingness and opportunities to work, skill and education, general condition of the labor market and employment opportunities for individuals that are similarly situated render Mr. Disney unable to return to suitable gainful employment in the open labor market. I have addressed said Montana Factors as follows:

Ability to Work

Regarding Ability to Work, I refer to the following functional limitations assigned by Dr. Isike and Dr. Peters and Dr. Peters.

Opinion and Conclusion

Based on research with the sources noted above, considering the synergistic effect of Mr. Disney functional limitations, while also considering his pre-existing non-industrial and industrial injuries, combined with his industrial injury, I believe Mr. Disney has incurred a one hundred percent (100%) loss of labor market access. This determination is an accurate representation of Mr. Disney level of disability. In this case, the vocational evidence comes in contrast to the usual application of the schedule for rating permanent disabilities. The schedule should not apply in this case as the actual effect of the industrial injury and the pre-existing problems leads to a total loss of earnings and total permanent disability. To the extent a mechanical application of the schedule might lead to a different result, the actual facts of this case contradicts the application. In my opinion Mr. Disney qualifies as one hundred percent (100%) totally vocationally permanently disabled.

I have determined that Mr. Disney is not amenable to any form of vocational rehabilitation. His functional limitations combined with the intensity, duration, and nature of his chronic and disabling pain will preclude his pre-injury skills and academic accomplishments. I do not believe that Mr. Disney is amenable to any form of vocational rehabilitation and thus has sustained a total loss in his capacity to meet any occupational demands (AMA Guides). This results in Mr. Disney experiencing a total loss of labor market access (*Leboeuf*), and a total loss of future earning capacity (2005 PDRS) irrespective of any "Impermissible factors".

I reserve the right to augment or change my opinion based upon any additional medical, legal, or vocational documentation that becomes available for further review.

I am of the hope that the information noted above is of value to you. I would like to thank you for the opportunity to provide a Vocational Opinion regarding Mr. Disney. If you should have any questions or require any further information, please contact me.

I declare under the penalty of perjury that the information contained in this report and its attachments if any, is true and correct to the best of my knowledge, except as to information that I have indicated I received from Others. As to that information, I declare under penalty of perjury that the information accurately describes that information provided to me and, except as noted, hereby that I believe it to be true. I further declare under penalty of perjury that this has not been a violation of Labor Code section 139.32.


This report may contain sensitive material which may be distressing to certain employees and may be misunderstood. Per ethical standards, this report should be provided to an employee only by a Vocational Expert who is qualified to carefully assess the employee, assume the professional responsibility for the disclosure of the information relative to the employee and explain the information in an accurate manner.

The information contained in this report, and all attachments, is confidential, privileged and may also be proprietary business information that is intended only for the personal and confidential use of the recipients(s) named above. If the reader of this report is not the intended recipient or

an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this report in error and any review, dissemination, distribution or copying of this report is strictly prohibited. If you received this communication in error, please notify the sender immediately and delete the original report.

Signed in the County of Los Angeles, California on February 23, 2020.

Respectfully submitted,

A handwritten signature in cursive script that reads "Madonna R. Garcia".

**Madonna R. Garcia, MRC, VRTWC
Vocational Rehabilitation Counselor**

APPENDIX A

Vocational Testing

Raven Standard Progressive Matrices (Raven)

The Raven Standard Progressive Matrices (Raven) is a non-verbal measure of the general factor involved in intelligence. Problem solving The Raven very fundamental cognitive performance which is relatively uninfluenced by cultural influences The Raven is a pattern recognition test

For practical purposes, it is convenient to consider certain percentages of the population and to group people's scores accordingly in this way, it is possible to classify a person according to the score they obtained as:

GRADE I "Intellectually superior", if a score lies at or about the 95th percentile for people of the same group.

GRADE II "Definitely above the average in intellectual capacity", if a score lies at or above the 75th percentile. (It may be designated II+ if it lies at or above the 90th percentile.)

GRADE III "Intellectually average", if a score lies between the 25th and the 75th percentiles. (It may be designated as III+, if it is above the 50th percentile, and III-, if it is below it.

GRADE IV "Definitely below average in intellectual capacity", if a score lies at or below the 25th percentile (it may be designated IV-, if it lies at or below the 10th percentile.)

GRADE V "Intellectually impaired", if a score lies at or below the 5th percentile for that group.

I used the table as found in Henry R. Burke's article, *Raven Progressive Matrices* (1938) to interpret Mr. Disney assessment score. Burke addresses norms, reliability, and validity with the comparison of veterans in vocational counseling from 1964 through 1972. This included a group of five hundred and fifty (550) veterans in psychiatric screening. Burke also studied veterans receiving screenings from 1973 through 1978, the number of participants was two thousand four hundred and sixteen (2416).

Burke (1972) published a set of American norms on the untimed routine administration of the Raven Progressive Matrices (1938) to five hundred and sixty-seven (567) male black and white East Orange Veteran's administration hospital patients who had been referred (1964-1772) for vocational counseling. These norms might be considered to have general applicability because veterans roughly represent a cross-section of the general male population, and true sex differences of the Raven have not been demonstrated reliably (Court & Kennedy, 1976).

According to Burke, "From 1973 to 1978 the untimed use of the Rave matrices was continued routinely in the counseling Center, and it also was used in the routine post-admission test screening of black and white veteran patients from the Psychiatric Service."

The Raven can be administered online or on paper. The Raven is sold for two (2) different specialties, Talent Assessment and Clinical Assessment. An individual does not require a master's degree to administer the Raven. The Talent Assessment, which is the same test as the Clinical Assessment. However, The Raven in a Clinical Assessment requires its user to possess a master's degree

Career Ability Placement Survey (CAPS)

The CAPS consist of eight (8) test. Test one (1) measures Mechanical Reasoning, test two (2) measures Spatial Relations, test three (3) measures Verbal Reasoning, test four (4) measures Numerical Ability, test five (5) measures Language Usage, test six (6) measures Work Knowledge, test seven (7) measures a person's Perceptual Speed and Accuracy, and test eight (8) measures an individual's Manual Speed and Dexterity. The test is described as follows:

Mechanical Reasoning:

Measures how well you understand mechanical principles and the laws of physics. This ability is important especially in courses in Industrial Arts and occupations in Technology as well as jobs in Science.

Spatial Relations:

Measures how well you can visualize or think in three dimensions and mentally picture the position of objects from a diagram or picture. This ability is important in courses in Art and Industrial Arts and jobs in Science, Technology, and Arts.

Verbal Reasoning:

Measures how well you can reason with words and your facility for understanding and using concepts expressed in words. This ability is important in general academic success and in Jobs requiring written or oral communication, especially professional level occupations in Communication, Science and service involving high levels of responsibility and decision making.

Numerical Ability:

Measures how well you can reason with and use numbers and work with quantitative materials and ideas. This ability is important in school courses and Jobs in fields of Science and Technology involving mathematics, chemistry, physics, or engineering, and in Business and Clerical fields

Language Usage:

Measures how well you can recognize and use standard grammar, punctuation and capitalization. This ability is especially important in Jobs requiring written or oral communication and in Clerical Jobs as well as professional level occupations in Science, and in all levels of Business and Service.

Word Knowledge:

Measures how well you can understand the meaning and precise use of words. This is important in Communication and all professional level occupations involving high levels of responsibility and decision making.

Perceptual Speed and Accuracy:

Measures how well you can perceive small detail rapidly and accurately within a mass of letters, numbers, and symbols. This ability is important in office work and Other jobs requiring fine visual discrimination.

Manual Speed and Dexterity:

Measures how well you can make rapid and accurate movements with your dominant hand. This ability is important in Arts, Skilled and Technology, skilled occupations and Other jobs requiring use of the hands.

Data was collected for the 2007 norms between January 2004 through May 2007 from samples of eighth (8th) through twelfth (12th) grade students totaling twenty-two thousand eight hundred and four (22,804) participants. The participants were taken from various regions of the United States: Midwest, Northeast, South and West. I used the norms of the tenth (10th), eleventh (11th), and twelfth (12th) graders:

A College sample of one thousand eight hundred and ninety-eight (1,898) students was gathered from data obtained from 1998 through 2002. This data showed differences from normative samples in the past and are reflected on the current CAPS Summary Score Sheet.

When scoring the CAPS vocational test this Consultant considered either the Summary Score Sheet for the tenth (10th), eleventh (11th), and twelfth (12th) grades College Norms, or Preliminary Norms for Spanish-speaking high school students and adults.

The CAPS is scored on a stanine basis. A stanine is a nine (9) point scale used for normalized test scores. These nine (9) stanine are described as follows:

An Individual's Career Profile compares their present abilities to abilities required on jobs in fourteen (14) major occupational areas described as follows:

Science, Professional occupations involve responsibility for the planning and conducting of research and the accumulation and application of systematized knowledge in related branches of mathematical, medical life and physical sciences.

Science, Skilled occupations involve observation and classification of facts in assisting in laboratory research and its application in the fields of medicine and life and physical sciences.

Technology, Professional occupations involve responsibility for engineering and structural design in the manufacture, construction or transportation of products or utilities.

Technology, Skilled occupations involve working with one's hands in a skilled trade concerned with construction, manufacture installation or repair of products in related fields of construction.

Consumer Economics occupations are concerned with the preparation and packaging of foods and the production, care and repair of clothing and textile products.

Outdoor occupations are concerned with activities performed primarily out-of-doors involving the growing and tending of plants and animals and the cultivation and accumulation of crops and natural resources in the areas of agriculture and nature as in forestry park services, fishing, and mining.

Business, Professional occupations involve positions of high responsibility in the organization, administration and efficient functioning of businesses and governmental bureaus about finance and accounting, management, and business promotion.

Business, Skilled occupations are concerned with sales and production and the correlated financial and organizational activities of businesses.

Clerical occupations involve recording, posting and filing of business records requiring great attention to detail, accuracy, neatness, orderliness and speed in office work and in resultant contact with customers about compilation of records.

Communication occupations involve skill in the use of language in the creation or interpretation of literature or in the written and oral communication of knowledge and ideas.

Arts, Professional occupations involve individualized expression of creative or musical talent and ability in fields of design, fine arts and performing arts

Arts, Skilled occupations involve application of artistic skill in fields of graphic arts and design.

Service, Professional occupations include positions of high responsibility involving interpersonal relations in caring for the personal needs and welfare of Others in fields of social service, health, and education.

Service, Skilled occupations involve providing services to persons and catering to the tastes, desires and welfare of Others in fields of personal service, social and health related service, and protection and transportation.

APPENDIX B

COPSystem

Name: **Evan Disney**

Interests (COPS)

Accessible COPS Interest Inventory Information

Your interest scores on the COPS are reported in terms of 14 copsystem career clusters. A raw score is listed with a percentile score for each career cluster. The percentile score is your approximate position on each scale as compared to Other people at your education level that have taken the COPS. If your percentile score is near 50, about half (50%) of Others fall below you. The higher your score the greater your interest is compared to Others.

Accessible COPS Interest Inventory Results

Career Cluster	Raw Score	Percentile Score
Science Professional	9	30
Science Skilled	5	17
Technology Professional	5	11
Technology Skilled	3	6
Consumer Economics	1	6
Outdoor	4	13
Business Professional	17	64
Business Skilled	5	18
Clerical	0	3
Communication	5	26
Arts Professional	14	65
Arts Skilled	6	22
Service Professional	16	56
Service Skilled	12	53

Your Highest Career Groups on the COPS are:

Business Professional; Arts Professional; Service Professional;

COPS Interest Inventory Information

The following results are for sighted individuals.

Your interest profile is plotted below. A percentile number is printed inside the bars. Each number shows your approximate position on each scale as compared to Other people at your educational level who have taken the COPS. If your score is near 50, about half (50%) of Others fall below you. The higher your score the greater your interest is compared to Others.

Your Highest Career Groups on the COPS are:

Business Professional; Arts Professional; Service Professional;

Abilities (CAPS)

Accessible CAPS Career Profile Information

The CAPS Career Profile compares your ability scores to the 14 copsystem career clusters. You will hear the name of each career cluster followed by a cutoff score and your score. You receive a plus if your score is above the cutoff score. The plus indicates that your measured abilities are currently at a high enough level for probable success in most occupations in that cluster. Remember, for success it is necessary that you continue to get the training and skills needed in these clusters. In interpreting your profile, concentrate on the scores with pluses that are the farthest above the cutoff score. Consider whether Other things you know about yourself are consistent with your profile. Some of your ability scores may not have pluses. If you are interested in careers in these areas and motivated to do well, you may want to take classes or participate in Other activities to improve your skills.

Accessible CAPS Career Profile Results

Career Cluster	Cutoff Score	Your Score	Plus
Science Professional	52	90	true
Science Skilled	30	92	true
Technology Professional	40	97	true
Technology Skilled	8	97	true
Consumer Economics	8	88	true
Outdoor	4	94	true
Business Professional	40	82	true

Business Skilled	20	78	true
Clerical	30	86	true
Communication	40	78	true
Arts Professional	40	93	true
Arts Skilled	30	76	true
Service Professional	40	96	true
Service Skilled	4	76	true

CAPS Career Profile Information

The following is for sighted individuals.

Your score is marked with a plus if it is in the solid green portion or at the upper edge of the lightest shaded portion of each career cluster. The plus indicates that your measured abilities are currently at a high enough level for probable success in most occupations in that cluster. Remember, for success it is necessary that you continue to get the training and skills needed in these clusters. In interpreting your profile, concentrate on the distance of your scores from the dark shaded area. Peaks in the profile may not be significant because the shaded areas are different heights. Consider whether Other things you know about yourself are consistent with your profile. Some of your ability scores may appear in the darker green portion of the Career Profile. If you are interested in careers in these areas and motivated to do well, you may want to take classes or participate in Other activities to improve your skills. Your COPS System Comprehensive Career Guide will help you in these choices.

Accessible CAPS Ability Profile Information

The CAPS Ability Profile lists your scores in each individual CAPS test. You will hear a list of each test followed by your score. Values range from one to nine. This score relates your abilities as compared to Others at your educational level. If your score is 5 or near the 50th percentile, about half of Another fall below you. The higher your score, the greater your ability.

Accessible CAPS Ability Profile Results

Ability	Your Score
Mechanical Reasoning	9
Spatial Relations	6
Verbal Reasoning	7
Numerical Ability	8
Language Usage	7
Word Knowledge	8
Perceptual Speed and Accuracy	1

Manual Speed and Dexterity 7

CAPS Ability Profile Information

Your scores are represented by a bar that shows your abilities compared to Others at your educational level. If your score is near 50, about half (50%) of Others fall below you. The higher your score, the greater your ability. See your COPSystem Comprehensive Career Guide for a further description of your results.

Work Values (COPES)

Accessible COPES Work Values Information

The COPES results compare your work values scores to Others who have taken the COPES. Each work value scale consists of two pairs, one of which is more important to you. Your scores are listed according to the value that is more important to you. Your three most extreme scores are listed at the end of the COPES results. These three highest values areas are related to the 14 copsystem career clusters in the summary section.

Accessible COPES Work Values Results

- You are more toward Accepting than Investigative.
- You are more toward Carefree than Practical.
- You are more toward Independence than Conformity.
- You are more toward Leadership than Supportive.
- You are more toward Flexibility than Orderliness.
- You are more toward Privacy than Recognition.
- You are more toward Aesthetic than Realistic.
- You are more toward Social than Reserved.

COPES Work Values Information

Your scores are represented by a bar that shows your work values as compared to Others who have taken the COPES. Scores to the left of the center show a preference for values listed on the left of your profile. Scores to the right of the center show a preference for values listed on the right of your profile. The closer a score is to either end of the profile, the more important that work value probably is to you. Your three most important scores are marked with a darker bar. If your score on one of the scales falls at or close to the center, you are moderately concerned with that work value. Select the 'Read More' button for a description of these values.

Needs Assessment Summary

You indicated that you are interested in an occupational training course.

You have indicated that you need additional help in the following areas:

Academics

- None of the above.

Job Skills

- None of the above.

Planning Skills

- None of the above.

Summary

Those career groups below where your interests, abilities, and values match are marked in gold and show you the clusters you may wish to explore. First consider those clusters where your interests, abilities, and values are high and all three are gold Next, consider those groups where you have silver icons where interests and values or where interests and abilities match. The bronze icons indicate one match either for interest, abilities, or values in a particular cluster. Your COPSsystem Comprehensive Career Guide will help you in your career exploration.

APPENDIX C

OASYS



Report produced from SkillTRAN Online Services - by SkillTRAN LLC - www.skilltran.com

Name: Evan Disney

CLIENT DATA

Evan Disney
Anaheim, CA 92804

DOB: 0000-00-00

Date of Maximum Medical Improvement: 0000-00-00

Labor Market Area

Commuting Range: 35 miles from Zip Code 92804
County: ORANGE

WORK HISTORY

DOT Code	DOT Title	Strength	SVP	Years	Months	CWF
195.117-010	Administrator, Social Welfare	S	8	5	0	n
239.362-014	Customer Service Representative	S	5	5	0	n
159.041-010	Magician	L	6	20	0	n

DOT Code: 195.117-010 Administrator, Social Welfare

Description

DOT Code: 195.117-010 Administrator, Social Welfare

Alternate Titles: Director, Social Welfare, Executive Secretary, Social Welfare, General Secretary, Social Welfare

Undefined Related Titles:

1. May work in specific area of social welfare and be designated Director, Child Support Enforcement Program (profess. & kin.); Director, Community Center (profess. & kin.); Director, Social Service (profess. & kin.); Director, Rehabilitation Program (profess. & kin.); Director, Mental Health Agency (profess. & kin.).

Directs agency or major function of public or voluntary organization providing services in social welfare field to individuals, groups, or community:

Tasks

1. Works with board of directors and committees to establish policies and programs and administers such programs.
2. Determines policies and defines scope of services to be rendered within legislative regulations for public welfare agency functioning without board of directors.
3. Assumes responsibility for development and administration of standards and procedures related to personnel, including staff development, budget, and physical facilities.
4. Interprets agency purpose and program to community.
5. Establishes and maintains relationships with Other agencies and organizations in community toward meeting community needs and services.
6. Prepares, distributes, and maintains variety of reports.
7. Inspects agency operations and facilities to ensure agency meets standards and procedures criteria.

May Also Include:

1. May direct or coordinate fund raising, public relations, and fact finding or research activities.*Employed in settings such as child welfare, community welfare councils, family casework, youth serving agencies, health organizations, informal education, and recreation, including scouting and Y's, public welfare, and fund raising.

Date Last Updated (DLU): 1980

Occupational Requirements

SVP: 8

Situations: D I J P

Data, People, Things: 1 1 7

GED

R	M	L
5	3	5

Environmental Conditions

WE	CO	HO	WT	NO	VI	AT	MV	EL	HI	RA	EX	TX	OT
N	N	N	N	3	N	N	N	N	N	N	N	N	N

Aptitudes

G	V	N	S	P	Q	K	F	M	E	C
2	2	3	4	4	4	4	4	4	5	4

Physical Demands

Str	CL	BA	ST	KN	CR	CW	RE	HA	FI	FE	TA	HE	TS	NE	FA	DE	AC	CV	FV
S	N	N	N	N	N	N	O	O	O	N	F	F	N	O	O	O	O	O	O

DOT Code: 239.362-014 Customer Service Representative

Description

DOT Code: 239.362-014 Customer Service Representative

Alternate Titles: Adjustment Clerk, Application Clerk, Order Clerk, Outside Contact Clerk, Service Representative

Interviews applicants and records interview information into computer for water, gas, electric, telephone, or cable television system service:

Tasks

1. Talks with customers by phone or in person and receives orders for installation, turn-on, discontinuance, or change in service.
2. Fills out contract forms, determines charges for service requested, collects deposits, prepares change of address records, and issues discontinuance orders, using computer.

May Also Include:

1. May solicit sale of new or additional services.
2. May adjust complaints concerning billing or service rendered, referring complaints of service failures, such as low voltage or low pressure, to designated departments for investigation.
3. May visit customers at their place of residence to investigate conditions preventing completion of service-connection orders and to obtain contract and deposit when service is being used without contract.
4. May discuss cable television equipment operation with customer over telephone to explain equipment usage and to troubleshoot equipment problems.

Date Last Updated (DLU): 1988

Occupational Requirements

SVP: 5

Situations: V P

Data, People, Things: 3 6 2

GED

R	M	L
3	2	3

Environmental Conditions

WE	CO	HO	WT	NO	VI	AT	MV	EL	HI	RA	EX	TX	OT
N	N	N	N	3	N	N	N	N	N	N	N	N	N

Aptitudes

G	V	N	S	P	Q	K	F	M	E	C
3	3	4	4	4	3	4	4	4	5	5

Physical Demands

Str	CL	BA	ST	KN	CR	CW	RE	HA	FI	FE	TA	HE	TS	NE	FA	DE	AC	CV	FV
S	N	N	N	N	N	N	O	O	F	N	C	C	N	O	N	N	F	N	N

DOT Code: 159.041-010 Magician

Description

DOT Code: 159.041-010 Magician

Tasks

1. Performs original and stock tricks of illusion and sleight of hand to entertain and mystify audience, using props, such as illusion boxes, scarf, cards, rabbit, and jewelry.

May Also Include:

1. May include participant from audience in act to remove personal valuables, such as wallets or jewelry, without participant's knowledge.

Date Last Updated (DLU): 1977

Occupational Requirements

SVP: 6

Situations: D E T J

Data, People, Things: 0 4 1

GED

R	M	L
4	3	4

Environmental Conditions

WE	CO	HO	WT	NO	VI	AT	MV	EL	HI	RA	EX	TX	OT
N	N	N	N	3	N	N	N	N	N	N	N	N	N

Aptitudes

G	V	N	S	P	Q	K	F	M	E	C
3	3	4	3	3	4	2	2	2	5	4

Physical Demands

Str	CL	BA	ST	KN	CR	CW	RE	HA	FI	FE	TA	HE	TS	NE	FA	DE	AC	CV	FV	
L	N	N	O	O	O	N	C	C	C	N	F	F	N	F	F	F	F	F	F	F

ABILITY PROFILE

Strength

	From Work History	Adjusted Ability
Maximum	L (Light)	V (Very Heavy)

Physical Demands

	From Work History	Adjusted Ability
Posture		
CL - Climbing	Never	Occasional - No Limit
BA - Balancing	Never	Occasional - No Limit
ST - Stoop/Bending	Occasional	Occasional - No Limit
KN - Kneeling	Occasional	Occasional - No Limit
CR - Crouching	Occasional	Occasional - No Limit
CW - Crawling	Never	Occasional - No Limit
Manipulation		
RE - Reaching	Constant	Occasional - No Limit
HA - Handling	Constant	Occasional - No Limit
FI - Fingering	Constant	Occasional - No Limit
Tactile/Communication		
FE - Feeling	Never	Never - No Limit
TA - Talking	Constant	Never - No Limit
HE - Hearing	Constant	Never - No Limit
TS - Tasting/Smelling	Never	Never - No Limit
Vision		
NE - Near Acuity	Frequent	Never - No Limit
FA - Far Acuity	Frequent	Never - No Limit
DE - Depth Perception	Frequent	Never - No Limit
AC - Accommodation	Frequent	Never - No Limit
CV - Color Vision	Frequent	Never - No Limit
FV - Field of Vision	Frequent	Never - No Limit

Environmental Conditions

	From Work History	Adjusted Ability
Exposure to Work Settings		
WE - Exposure to Weather	Never	Never - No Limit
CO - Extreme Cold (non-weather)	Never	Never - No Limit
HO - Extreme Heat (non-weather)	Never	Never - No Limit
WT - Wet and/or Humid (non-weather)	Never	Never - No Limit

NO - Noise Intensity	Moderate	Very Quiet - Very Loud
VI - Vibration	Never	Never - No Limit
AT - Atmospheric Conditions (Fumes, dust, odors)	Never	Never - No Limit
Hazardous Conditions		
MV - Proximity to Moving Mechanical Parts	Never	Never - No Limit
EL - Exposure to Electrical Shock	Never	Never - No Limit
HI - Working in High Exposed Places	Never	Never - No Limit
RA - Exposure to Radiation	Never	Never - No Limit
EX - Working with Explosives	Never	Never - No Limit
TX - Exposure to Toxic or Caustic Chemicals	Never	Never - No Limit
OT - Other Environmental Conditions	Never	Never - No Limit

General Education Development

	From Work History	Adjusted Ability
R - Reasoning	5 (Scientific)	1 (Grade 1-3) - 6 (Intellectual)
M - Math	3 (Grade 7-8)	1 (Grade 1-3) - 6 (Adv. Calc.)
L - Language	5 (College)	1 (Grade 1-3) - 6 (Graduate)

Specific Vocational Preparation

	From Work History	Adjusted Ability
SVP	8 (4-10 Years (MS-Ph.D.))	1 (Short Demo Only) - 9 (Over 10 Years)

Apitudes

	From Work History	Adjusted Ability
Cognition		
G - General Learning Ability	2 (Above Average)	4 (Below Average) - 1 (Superior)
V - Verbal	2 (Above Average)	5 (Minimal/No Ability) - 1 (Superior)
N - Numerical	3 (Average)	5 (Minimal/No Ability) - 1 (Superior)
Perception		
S - Spatial Perception	3 (Average)	5 (Minimal/No Ability) - 1 (Superior)
P - Form Perception	3 (Average)	5 (Minimal/No Ability) - 1 (Superior)
Q - Clerical Perception	3 (Average)	5 (Minimal/No Ability) - 1 (Superior)
C - Color Discrimination	4 (Below Average)	5 (Minimal/No Ability) - 1 (Superior)

Dexterity		
K - Motor Coordination	2 (Above Average)	5 (Minimal/No Ability) - 1 (Superior)
F - Finger Dexterity	2 (Above Average)	5 (Minimal/No Ability) - 1 (Superior)
M - Manual Dexterity	2 (Above Average)	5 (Minimal/No Ability) - 1 (Superior)
E - Eye-Hand-Foot Coordination	5 (Minimal/No Ability)	5 (Minimal/No Ability) - 1 (Superior)

Work Situations / Temperaments

	From Work History	Adjusted Ability
People Situations		
D - Directing, Controlling, Planning	In Work History	
I - Influencing Opinions, Attitudes, Judgments	In Work History	
E - Expressing Personal Feelings	In Work History	
A - Working Alone or Apart from Others		
U - Working Under Specific Instructions		
P - Dealing with People	In Work History	
Performance Situations		
R - Repetitive or Short Cycle Work		
V - Variety of Work Activities	In Work History	
S - Performing Effectively Under Stress		
T - Attaining Precise Set Limits, Tolerances, and Standards	In Work History	
J - Making Judgments and Decisions	In Work History	

Worker Functions Demonstrated

D - Data	P - People	T - Things
1 - Coordinating	1 - Negotiating	7 - Handling
3 - Compiling	6 - Speaking-Signaling	2 - Operating-Controlling
0 - Synthesizing	4 - Diverting	1 - Precision Working

Worker Functions Excluded

D - Data	P - People	T - Things
	3 - Supervising	

OGA Code	Occupational Group Arrangement (OGA)
195	Social and Welfare Work
239	Information and Message Distribution, NEC
159	Entertainment and Recreation, NEC

SOC Code	Standard Occupational Classification (SOC)
11-9151	Social and Community Service Managers
43-4051	Customer Service Representatives
27-2011	Actors

GOE Code	Guide for Occupational Exploration (GOE)
11.07.01	SOCIAL SERVICES ADMINISTRATION
07.04.01	INTERVIEWING
01.03.02	PERFORMING: DRAMA

DIC Code	DOT Industry Classification Designation (DIC)
705	PROFESSIONAL AND KINDRED OCCUPATIONS
724	RADIO AND TELEVISION BROADCASTING
869	TELEPHONE AND TELEGRAPH
532	UTILITIES (LIGHT, HEAT, AND POWER)
943	WATERWORKS
133	AMUSEMENT AND RECREATION

SPECIAL NOTES

- For search purposes, unadjusted physical and environmental conditions are assumed to be unlimited and are therefore excluded in searches.
- Average Aptitudes assume a minimum middle third of the scales. No superior or above average values are reduced.
- Completion of regular High School assumes minimum of GED - RML = 333 and minimum average aptitudes.
- Lack of experience, unwillingness, or inability to supervise Others excludes occupations from searches with a DPT - People Code = Supervising.

SKILL TRANSFER COMPONENTS

Work Fields

Code	Title	SVP
231	Verbal Recording-Record Keeping	5
282	Information Giving	5
295	Administering	8
297	Entertaining	6

Components of Combination Work Fields

Code	Title	SVP
None		

MPSMS

Code	Title	SVP
891	Clerical Services, except Bookkeeping	5
919	Amusements and Recreation Services, NEC	6
941	Social and Welfare Services	8
949	Social, Employment, Spiritual Services NEC	8

LIST OF SELECTED DOT OCCUPATIONS

No Occupations Found

DATA SOURCES

Source	Publication	Year	Web Link
U.S. Dept. of Labor	Revised 4th Edition of the Dictionary of Occupational Titles	1991	
U.S. Dept. of Labor	Errata corrections and subsequent revisions to the DOT	1992-1998	www.skilltran.com/index.php/support-area/documentation/161-dot-changes
U.S. Dept. of Labor	Revised Handbook for Analyzing Jobs	1991	www.skilltran.com/index.php/support-area/documentation/1991rhaj
U.S. Dept. of Labor - Bureau of Labor Statistics	Standard Occupational Classification (SOC)	2010	Standard Occupational Classification
U.S. Dept. of Labor - Bureau of Labor Statistics	Occupational Employment Survey (OES)	May 2018	Occupational Employment Survey
U.S. Dept. of Labor - Employment and Training Administration	O*NET Online (O*NET)	Current	O*NET Online
U.S. Dept. of Labor - Bureau of Labor	Employment Projections - National	October 2019 for 2018 -->	Employment Projections

Statistics		2028	
U.S. Dept. of Labor - Bureau of Labor Statistics	Employment Projections - State/SubState	Various	Employment Projections - State/SubState and various state-specific projections sites
U.S. Dept. of Labor	Labor Force Statistics from the Current Population Survey (CPS)	Current	Current Population Survey
U.S. Dept. of Education - Institute of Education Sciences - National Center for Education Statistics	College Navigator	Current	College Navigator
U.S. Dept. of Labor	Occupational Outlook Handbook (OOH)	Current	Occupational Outlook Handbook
U.S. Dept. of Labor	Current Employment Statistics (CES)	Current	Current Employment Statistics
U.S. Dept. of Census	County Business Patterns (CBP)	2016	County Business Patterns - Documentation
U.S. Dept. of Census	North American Industry Classification System (NAICS)	2012/2017	North American Industry Classification System
SkillTRAN LLC	Various Alternate Titles Contributed by SkillTRAN Staff and Customers	1982-present	SkillTRAN Data Resources
SkillTRAN LLC	Proprietary Crosswalk between NAICS and DOT	1985-present	SkillTRAN Data Resources