

# Medical Group of Culver City

Omar Tirmizi, MD, FCCP

A Professional Corporation

Diplomate, American Board of Internal Medicine

Diplomate, American Board of Internal Medicine, Pulmonary Disease

Diplomate, American Board of Internal Medicine, Critical Care Medicine

Diplomate, American Board of Internal Medicine, Sleep Medicine

Diplomate, American Board of Sleep Medicine



June 1, 2021

Subsequent Injuries Benefit Trust Fund  
163 Promenade Circle  
Sacramento, CA 95834

Natalia Foley  
Workers Defenders Law Group  
8018 E. Santa Ana Canyon, Suite 100-215  
Anaheim Hills, CA 92808

**RE:** Semen Lev  
**Employer:** Store 2 Door, Inc.  
**WCAB No.:** ADJ13204860  
**Date of Service:** 06/01/21

## INDEPENDENT MEDICAL EVALUATION

Thank you for asking me to see and evaluate Semen Lev in the capacity of an Independent Medical Evaluator. I have been asked to evaluate him with respect to his application for Subsequent Injuries Benefit Trust Fund.

This report is billed at the ML-201 level for a Comprehensive Medical Legal Evaluation.

MLPRR - In addition, I declare under penalty of perjury that I have received and personally reviewed 208 pages of medical records which included a declaration and attestation.

I spent 2-1/2 hours of face-to-face time evaluating Mr. Semen Lev. I spent another 2-1/2 hours dictating and transcribing the final report. The total time for this evaluation is 5 hours. I have also addressed causation as requested.

Injured workers qualify for SIBTF benefits if they fall under the requirements of Labor Code 4751. This requires that the injured worker have a pre-existing disability which predates the compensable industrial injury. The pre-existing disability needs to be labor-disabling or ratable. The pre-existing disability can be industrial or non-industrial. The combined effects of the pre-existing disability and the subsequent injury must be greater than or equal to 70% and the combination of both disabilities must be greater than just the effect of the subsequent injury alone. Finally, the condition must meet one of two thresholds:

- The 35% requirement: Permanent disability from the subsequent injury is 35% or higher
- The opposite and corresponding requirement: The pre-existing disability affects an extremity (hand or arm or foot or leg) or an eye AND the permanent disability from the subsequent injury BOTH 1) affects the opposite and corresponding member and 2) is 5% or higher

The Subsequent Injury must be an industrial injury whereas the “Pre-existing disability” can be either industrial or non-industrial.

Mr. Semen Lev is a 61-year-old male. He grew up in Russia, but moved to the United States in 1993. He pursued various different jobs, which included teaching piano lessons to children. He was also an appliance technician and a seller for Amazon, as well. He then worked at an adult daycare center as an entertainer. He then started work at Store 2 Door in January 2020. He last worked in April 2020. He states that his job was preparing, slicing, baking, cooking bread, and packaging deli products for customers. He also carried 45-50 pounds in weight. He states that he suffered orthopaedic injuries as a consequence of his employment. After ceasing employment with Store 2 Door, Mr. Lev also worked for an air conditioning company, installing air conditioners. He worked for this company from May 2020 to July 2020. He states that he suffered an injury to his back when he fell and did not work for this company after July 2020. He has now been working at home, repairing pianos and providing piano lessons.

Mr. Lev reports that prior to beginning employment with Store 2 Door, he had two known medical problems. He reported he had a history of an upper abdominal hernia, which he believes he developed as a consequence of lifting weight with a prior employer. He underwent successful surgical intervention and repair of the hernia five years ago. Since that time, the hernia has been asymptomatic. He has no problems in that region. He has no difficulty with self-care, grooming, wearing clothes, or bowel/bladder function. The hernia has healed completely and there are no residual issues with this hernia.

The other problem Mr. Lev reports, is that he is known to have hepatitis C. He does not recall how he contracted hepatitis C. He believes it may have been many years ago. He reports he had a tattoo while in Russia, and that may have been the source. He does not report using any injection or drugs, receiving blood transfusions, or having any other surgeries, except as discussed above. He states he takes unknown medications for his hepatitis C. He does not know the condition of his hepatitis C.

Mr. Lev does not report any other gastrointestinal problems to me, such as nausea, vomiting, diarrhea, or constipation.

Mr. Lev does not report any respiratory or chest problems to me. He denies smoking. He denies any shortness of breath or cough.

I will defer the assessment of his other nonindustrial preexisting conditions, such as traumatic brain injury, PTSD, arthritis, eyes, ears, neck, lumbar, dental loss, wrist, and fingers, as well as hips to other appropriate specialists.

With respect to his hepatitis C, at this time, Mr. Lev does not report any difficulty with self-care, communication, or hygiene with respect to this condition.

**WORK HISTORY:** Discussed above.

**PAST MEDICAL HISTORY:** Notable for Hepatitis C. No other known medical illnesses.

**PAST SURGICAL HISTORY:** Hernia repair, discussed above.

**HOME MEDICATIONS:** The patient is unable to recall. He believes he takes an unknown medication for his hepatitis C. Upon review of records, I note that he was taking ibuprofen for his orthopaedic injuries in the past.

**ALLERGIES:** Aspirin.

**SOCIAL HISTORY:** He is married and has one child. He denies tobacco, marijuana, or substance abuse. He denies alcohol usage.

**FAMILY HISTORY:** Noncontributory.

**REVIEW OF SYSTEMS:**

A ten-point review of systems for internal medicine was conducted. Relevant positives and negatives are noted in the body of this report.

**PHYSICAL EXAMINATION:**

The patient has a tattoo under his left armpit. He has a small healed incision over his upper abdomen, about 8 inches above the umbilicus.

**Vital Signs:** Blood pressure: 103/73 mmHg. Heart rate: 73/m. Respirations: 18/m. O2 saturation is 97 % on room air. Weight: 162 pounds. Height: 58 inches.

**HEENT:** Head examination reveals that the head is normocephalic, atraumatic without deformity or unusual swelling. Pupils are round, reactive to light and accommodation normally. There is no nystagmus, lid lag or exophthalmos. Nasal mucosa is pink. Vision is normal.

**Chest and Lung:** Reveals clear, normal, symmetrical breath sounds with no adventitious sound. Expansion is normal. There are no surgical scars.

**Cardiovascular:** Reveals normal S1, S2 without murmurs, rubs or clicks.

**Abdomen:** Soft with no tenderness or organomegaly.

**Musculoskeletal:** There is no tenderness to palpation. Range of motion is normal.

**Extremities:** There is no cyanosis, peripheral edema, or clubbing. There is no evidence of insufficiency or skin changes. Pedal pulses are strong and bounding.

**Neurological:** Cranial nerves II to XII are intact. Gait is normal without ataxia. DTRs are normal. Babinski is downgoing.

## **REVIEW OF MEDICAL RECORDS**

**No Date – Division of Workers’ Compensation – Workers’ Compensation Claim. Date of Injury:** CT 01/02/20 to 04/20/20. The applicant alleged injury to back, ankles and knees.

**07/05/17 – Division of Workers’ Compensation – Workers’ Compensation Claim. Date of Injury:** 06/26/17. The applicant slept while transferring air conditioning unit to the co-worker and fell through a hole in the ceiling injuring the entire area between the legs, crotch, reproductive organs, front of body, stomach, chest, ribs, jaw, head as well as knocking out most of the front teeth.

**07/05/17 – Division of Workers’ Compensation – Workers’ Compensation Claim. Date of Injury:** 06/17/17. The applicant alleged a dog bite and stress when installing air-conditioning.

**07/05/17 – Division of Workers’ Compensation – Application for Adjudication of Claim. Date of Injury:** 06/26/17. The applicant slept while transferring air conditioning unit to the co-worker and fell through a hole in the ceiling injuring the entire area between the legs, crotch, reproductive organs, front of body, stomach, chest, ribs, jaw, head as well as knocking out most of the front teeth.

**07/06/17 – Division of Workers’ Compensation – Application for Adjudication of Claim. Date of Injury:** 06/17/17. The applicant was installing air conditioning unit at the premises of the client and the client’s dog bit his left leg. He alleged dog bite and stress.

**07/10/17 – Illegible Signature – Doctor’s First Report of Occupational Injury. Date of Injury:** 06/17/17. CT 06/17/17. While performing his usual and customary duties as an air conditioning installer, the patient sustained injuries to his left lower leg. He was working in a home when the owner’s dog got loose and bit him on the left leg causing immediate puncture wounds. **Diagnoses:** 1. Sprain of ligaments of lumbar spine. 2. Bitten by dog. **Treatment:** Physiotherapy and manipulation were recommended. The patient was referred for orthopedic and psychiatric consultation.

**05/05/20 – Division of Workers’ Compensation – Application for Adjudication of Claim. Date of Injury:** CT 01/02/20 to 04/20/20. The applicant alleged stress and strain due to repetitive movement over period of time and injured his back, shoulders, arms, knees, hands and ankle.

**05/29/20 – Eric Gofnung, D.C. – Initial Evaluation. Date of Injury:** CT 01/02/20 to 04/20/20. While working at his usual and customary occupation as a deli person, he sustained a work-related injury to his shoulders/arms, hands, knees and ankles. He complained of pain in bilateral shoulders, bilateral hands, lower back, bilateral knees and right ankle. He also has continuous episodes of anxiety, stress and depression due to chronic pain. **Current Medications:** Ibuprofen. **Blood Pressure:** 103/64. **Weight:** 170 pounds. **Diagnoses:** 1. Lumbar spine myofasciitis. 2. Lumbar facet-induced versus discogenic pain. 3. Lumbar radiculitis, right, rule out. 4. Right shoulder tenosynovitis/bursitis. 5. Right shoulder impingement syndrome, rule out. 6. Bilateral wrist tenosynovitis. 7. Right carpal tunnel

syndrome, rule out. 8. Knee and lower leg sprain/strain, right. 9. Internal derangement of right knee rule out. 10. Tenosynovitis of right lower leg gastrocnemius, tibialis anterior and peroneal. 11. Right ankle and foot tenosynovitis. 12. Right carpal tunnel syndrome. 13. Anxiety and depression. **Treatment:** X-rays, MRI of cervical spine, lumbar spine and right knee, NCV/EMG were ordered. The patient was referred for psychiatric evaluation. Causation was deemed industrial.

### **LAB TESTING:**

Lab testing was requested however Mr. Lev did not complete the laboratory testing.

### **IMPRESSION:**

1. Hepatitis C.
2. Abdominal hernia.

### **DISCUSSION:**

I have reviewed the records, as well as correspondence, and I find no other gastrointestinal issues apart from the hernia and hepatitis C, discussed above.

I have questioned Mr. Lev and have examined him, and I find no respiratory or chest problems identified.

I will defer the assessment of his dental, eyes, ear, teeth, orthopaedics, including wrist, fingers, and hips, as well as arthritis to the appropriate specialists. I will also defer the assessment of his neurological functioning, TBI and PTSD, to the appropriate specialists.

#### **1. Hernia:**

Mr. Semen Lev developed an upper abdominal hernia approximately five to seven years ago, while working for a previous employer. He required surgical intervention and this hernia has healed completely. On examination, he has a small incision over the upper abdomen. This hernia, status post repair, does not cause him to have any difficulty with his self-care, communication, hygiene, or travel. He has no difficulty with the digestive tract, in terms of diarrhea or constipation. It is my opinion that the hernia has healed completely and there is no residual permanent disability.

#### **Permanent Impairment:**

Using the AMA Guides to the Evaluation of Permanent Impairment Fifth Edition, Page 136, Table 6-9, it is my opinion that Mr. Lev has Class I Impairment of the Whole Person, 0%, due to herniation. He has a history of a hernia with a palpable defect noted by virtue of previous incision. There is no protrusion at the site of the defect, there is no discomfort at the site, and there is no preclusion of any activities of daily living. In my opinion, he has 0% WPI secondary to herniation.

**Causation:**

The causation of herniation is work-related to a previous employer.

**Apportionment:**

As per SB 899 and Labor codes 4663 and 4664, and mindful of the Escobedo and Benson decisions, apportionment to causation of impairment/disability is considered. I find no factors responsible for non-industrial apportionment. There is no apportionment to Store 2 Door.

**Future Medical Care:**

None required.

**2. Hepatitis C:**

Mr. Lev has a history of hepatitis C. He believes he acquired hepatitis C in Russia; although, he is unclear about the origin of acquisition of this condition. He denies any blood transfusions. He has a tattoo under his left armpit. He denies injections, drug usage, or any other risk factors for contracting hepatitis C.

**Impairment Rating:**

Based upon my consultation and examination of the applicant as well as upon review of the medical records and my clinical experience, it is my opinion that within reasonable medical probability, that this applicant's Hepatitis-C impairment which pre-existed the above dated subsequent industrial injury, had reached a permanent and stationary plateau prior to the specific subsequent industrial injury.

Using the AMA Guides to the Evaluation of Permanent Impairment Fifth Edition, Page 133, Table 6-7, it is my opinion that Mr. Lev has Class 2 Impairment of the Whole Person, as he has evidence of chronic liver disease based on historical data. He did not complete newly requested lab tests.

He has no history of ascites, jaundice, or varices. He has adequate nutrition and strength. In my opinion, he has 12% WPI secondary to liver disease.

**Pre-existing Labor Disabling Condition:**

Mr. Lev, as a result of the hepatitis C had a pre-existing labor disabling condition. He would be precluded from any occupation where there was a likelihood or significant risk of exposing others to blood, saliva or other bodily excretions. For example, boxing, mixed martial arts participation or training/coaching. Other occupations might require additional precautions be taken and disclosure given to potential clients.

**Causation:**

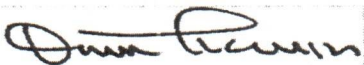
Causation is nonindustrial secondary to acquisition of hepatitis C through nonindustrial causes. It is probable that he contracted it while incarcerated in Russia, or through a previous tattoo.

**Apportionment:**

As per SB 899 and Labor codes 4663 and 4664, and mindful of the Escobedo and Benson decisions, apportionment to causation of impairment/disability is considered.

I find no reason to believe that the hepatitis C was acquired through employment with Store 2 Door. There is no apportionment to industrial factors.

Thank you for asking me to see and evaluate Mr. Semen Lev. I will be available to review additional medical records as provided, or to produce supplemental reports at the request of parties concerned.



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Diplomate, American Board of Internal Medicine, Sleep Medicine  
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Qualified Medical Evaluator #945518 State of California

State of California  
DIVISION OF WORKERS' COMPENSATION – MEDICAL UNIT

AME or QME Declaration of Service of Medical - Legal Report (Lab. Code § 4062.3(i))

Case Name: Semen Lev v Store 2 Door, Inc.  
(employee name) (claims administrator name, or if none employer)

Claim No.: SIF13204860 EAMS or WCAB Case No. (if any): ADJ13204860

I, STEVI HIX, declare:  
(Print Name)

1. I am over the age of 18 and not a party to this action.
2. My business address is: 1680 PLUM LANE, REDLANDS CA 92374
3. On the date shown below, I served the attached original, or a true and correct copy of the original, comprehensive medical-legal report on each person or firm named below, by placing it in a sealed envelope, addressed to the person or firm named below, and by:

- A depositing the sealed envelope with the U. S. Postal Service with the postage fully prepaid.
- B placing the sealed envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U. S. Postal Service in a sealed envelope with postage fully prepaid.
- C placing the sealed envelope for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- D placing the sealed envelope for pick up by a professional messenger service for service. (Messenger must return to you a completed declaration of personal service.)
- E personally delivering the sealed envelope to the person or firm named below at the address shown below.

Means of service:  
(For each addressee, enter A – E as appropriate)

Date Served:

Addressee and Address Shown on Envelope:

<u>A</u>	<u>07/30/21</u>	<u>Subsequent Injuries Benefit Trust Fund 163 Promenade Circle Sacramento, CA 95834</u>
<u>A</u>	<u>07/30/21</u>	<u>Natalia Foley Workers Defenders 8018 E. Santa Ana Canyon, Suite 100-215 Anaheim Hills, CA 92808</u>
_____	_____	_____
_____	_____	_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 07/01/2021

Stevi Hix  
(signature of declarant)

STEVHIX  
(print name)