

# NEWSLETTER

Edition 2 | February 7, 2021 | Volume 2

*"Never be limited by other people's limited imaginations" - [Dr. Mae Jemison](#)*

## Get to know Dunamis Alliance.

*(Click image to view video)*



### How's your year going so far?

Congratulations! You have made it past 2020 and have survived the first month of 2021. How is it going so far? Is your practice up and running full time? Have you seen your workload increase? The majority of people were probably wishfully hoping that the new year would mean a new start, but in reality we have a few more months to go before our new normal begins. The good news is that there is a new company that is designed to be YOUR PERSONAL consulting group. The founder examined and interviewed countless companies within the workers' compensation field and selected the best to partner with to provide your firm a one stop shop.



Don't waste your staff's time of having to track down various services when they can easily contact one person and get everything done in one shot. Who is this well developed company? Well, it's Dunamis Alliance! We are the **ONLY** company out there that can assist you with SJDB vouchers, expert witness, interpreting, MSAs, medical acquisitions and so much more. Our goal is to help you **litigate your case to a more complete resolution**. Don't drive yourself crazy. Contact Dunamis today and together we will help get your office back on track and into a successful 2021!

*"Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world."* – [Harriet Tubman](#)

We have partnered with the best which allows us to bring you the highest quality services and products. Below is the current list of services we offer to assist your team.

Issue	Solution	Links
Filing All Documents with the DWC	JetFile/TrueFile - quick, reliable and free. True File is a complete filing system which you can safely and securely file over 260 different forms with the DWC.	<a href="#">Click here</a>
Discovery Experts	Use a reliable, experienced and dedicated service. Dunamis Alliance has partnered with ARS and Compex, one of the most reliable companies with over 36 & 48 years of experience respectively. Our partners are experts in the procurement of all types of records and services in all areas of law.	<a href="#">Click here</a>
Return to Work Application and Supplemental Job Displacement Vouchers	Turn around time, experience and compassion with claimants is crucial to the success of these vouchers. P. Steve Ramirez Training Center handles everything from start to end.	<a href="#">Click here</a>
Independent Medical Review	IMRs are time consuming yet have strict timelines which cannot be missed. Dunamis has a dedicated team member solely for IMRs, so you can trust and depend on us successfully submitting your IMRs on time and complete.	<a href="#">Click here</a> <a href="#">Click here</a>

Subsequent Injuries Benefit Trust Fund	The fund has sadly been understaffed for years and with SIF, the situation hasn't improved. But you can still file the applications via fax and EAMS. Dunamis can assist with teaching your team on how to identify SIBTF cases and assist with the application process.	<a href="#">Click here</a>
Vocational Expert	Vocational Experts can be instrumental in closing a case, especially within SIBTF. You want someone with a vast amount of experience, fast report turnaround time and availability. P. Steve Ramirez has decades of experience and a solid team to assist and support all vocational expert requests.	<a href="#">Click here</a>
Medical Cost Projections and Medicare Set Asides	Sometimes a case needs their own independent MSA to ensure the best & fair outcome for their client. MASSIVE has been in business since 2009 and is dedicated to provide you with a detailed cost projection <u>and</u> medicare set asides quickly and at a reasonable cost (payment plans available).	<a href="#">Click here</a> <a href="#">Click here</a>
Interpreting	When an interpreter doesn't show up to the evaluation or is not certified, it can cost and time delays for everyone involved. Selecting a reliable, multilingual, qualified, and cost effect company is crucial. Selecting Trinity Language is the way to go and they can assist with last minute cancellations as well.	
PD Calculators *new*	All Dunamis Alliance Clients are offered free access to our PD Rater account. Contact us for more information.	<a href="#">Click here</a>

All Dunamis Alliance team members are trained and experienced with our partnered services and we strive to provide you the highest customer service from start to end.

Contact us today:

**909-516-8745 \* [info@dunamis.legal](mailto:info@dunamis.legal)**

*"The need for change bulldozed a road down the center of my mind."* - [Maya Angelou](#)

# Our Team

We will be introducing one of our phenomenal team members in each newsletter. In this edition, we are excited to introduce to you: **Natalie Monroy**

*“I really don’t think life is about the I-could-have-beens. Life is only about the I-tried-to-do. I don’t mind the failure but I can’t imagine that I’d forgive myself if I didn’t try.” - [Nikki Giovanni](#)*



**Birthday:** 04/21      **Favorite color:** Black

**A little about Natalie:** I am a client service rep for Dunamis. I love to laugh, I am a loyal friend and employee, I am a loving mother and wife and I LOVE to cook & eat.

**Why did she join the Dunamis Alliance team?** To be a part of a great team and to help make a difference to those in need.

**Favorite thing(s) about working in this industry:** I enjoy meeting new people and building new relationships

**Favorite pastime/hobbies:** Spending time with my family, cooking and eating.

**Favorite sport teams?** The Rams.

**What’s your favorite superhero? What would be your superpower?** Ironman is my favorite superhero. My superpower would be that I would be amazingly smart.

---

**What is your favorite movie and why?** Pineapple Express, Stepbrother's & Old School because they are hilarious and never get old.

**What did you want to be when you were younger and why?** A veterinarian, so that I could save animals.

**What's on your bucket list?** To save someone's life.

**Favorite place to travel to or desire to travel to and why?** Cancun as the scenery looks beautiful.

**If you were to be given a million dollars, what would you do with it?** I would try to give it out evenly between families, orphans, etc., so that they can buy what they need (supplies for animals as well).

**If you could dine with anyone (alive or dead), whom would it be and why?** My father-in-law (who is deceased), so that my husband would get the chance to say good-bye.

You can contact Natalie via  .



*"Truth is powerful and it prevails." - [Sojourner Truth](#)*

---

# Hot Topic

## How many COVID-19 Workers' Compensation cases do you already have in 2021?

By: Pamela Tejada

Last year, [SB 1159](#) and N-62-20, allowed the presumption that employees who contracted COVID-19 at work have an occupational injury and are eligible for workers' compensation benefits as long as they met specific criteria. It is up to the employer to prove that the employee did not contract COVID at work and the employee needs to provide medical evidence that they did contract COVID-19. [Section 3212.87](#) goes over the employees that the bill covers (firefighters, peace officers, first responders, etc.) and is effective until January 1, 2023.

According to the [CWCI report](#), 40.9% of COVID-19 workers' compensation claims were filed by healthcare workers, 32.2% by first responders, 6.5% critical infrastructure, 4.9% other essential workers and 15.5% by everyone else. Of those claims filed, 27.7% were accepted, 35.5% denied and 36.98% under investigation. Those denied cases were explained as: 69.7% negative COVID test, 14.5% lack of exposure at work and 15.8% other reasons. Now cases prior to SB 1159 might have a chance to be overturned in court and time will tell how those attorneys take on those challenges.

The [WCIRB](#) released their 2020 data and they estimate that 31,100 COVID claims were filed in 2020. Of those claims, 82% were mild, 10% severe, 3% critical and 5% resulted in death. How does this correlate to cost? WCIRB states "[s]ince the majority of COVID-19 claims are estimated to be mild with no hospitalization, the average indemnity cost over all COVID-19 claims is estimated to be less than the average indemnity on non-covid-19 claims." Average overall COVID-19 claims are estimated to be \$12,200 while non-COVID claims were \$26,700.

It is going to be interesting to see how attorneys make their cases for or against each COVID case as these are uncharted territories. Another point of interest is to see if the virus causes long term medical issues which prevents an employee from returning to work, working at the same capacity and/or requiring future medical care. Knowing as much about the virus will be of benefit for each party and keeping documentations will be crucial. So tell me, how do you plan on tackling these COVID-19 cases?

Contact Pamela Tejada via  

---

*"It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences." – [Audre Lorde](#)*

## February is Black History Month.

**When did it start?** [1915](#), just 50 years after the abolishment of slavery in the United States.

**Reason for BHM in February?** “Known today as the Association for the Study of African American Life and History (ASALH), the group sponsored a national Negro History week in 1926, choosing the second week of February to coincide with the birthdays of [Abraham Lincoln](#) and [Frederick Douglass](#). The event inspired schools and communities nationwide to organize local celebrations, establish history clubs and host performances and lectures.” - [History](#)

**Reason for BHM?** “Black History Month shouldn’t be treated as though it is somehow separate from our collective American history, or somehow just boiled down to a compilation of greatest hits from the March on Washington, or from some of our sports heroes,” President Barack Obama said in a 2016 speech. “It’s about the lived, shared experience of all African Americans, high and low, famous and obscure, and how those experiences have shaped and challenged and ultimately strengthened America. It’s about taking an unvarnished look at the past so we can create a better future. It’s a reminder of where we as a country have been so that we know where we need to go.” - [Oprah Magazine](#)

### **Famous inspiring quotes from black leaders:**

*“I am lucky that whatever fear I have inside me, my desire to win is always stronger.”* - [Serena Williams](#)

*“I have learned over the years that when one’s mind is made up, this diminishes fear.”* - [Rosa Parks](#)

*“Whatever we believe about ourselves and our ability comes true for us.”* - [Susan L. Taylor](#)

*“Defining myself, as opposed to being defined by others, is one of the most difficult challenges I face.”* - [Carol Moseley-Braun](#)

*“Success is to be measured not so much by the position that one has reached in life as by the obstacles which he has overcome while trying to succeed.”* - [Booker T. Washington](#)

## Guest Authors: Your colleagues viewpoints

### Meet Mr. Nease by Eric J. Hester, Esq.

Remember W.A. Nease the next time you work on an SIBTF claim for a client.

W. A. Nease worked for the Hughes Stone Company in Oklahoma. When he was hired, he was blind in one eye. On September 13, 1922, he lost the vision in his other eye when an explosion occurred on the job. Before he started working for Hughes Stone Company, he was blind in his left eye. The explosion blinded him in his right eye, rendering him completely sightless.

Hughes Stone Company and its insurance carrier argued that they owed Mr. Nease compensation only for the loss of his good right eye. Mr. Nease and his lawyer argued that the defendants owed him benefits for total blindness, which qualified under the relevant Oklahoma statutes as permanent total disability.

The litigation found its way to the Oklahoma Supreme Court, which ruled in Mr. Nease's favor. The Court issued its decision on September 15, 1925, almost three years to the day after the injury. Mr. Nease earned in the twelve months before the injury an average wage of \$5.77 per day. Stop and ponder all that. Mr. Nease was a man blind in one eye in the 1920s, and he worked as a laborer in proximity to explosions for a stone company. He earned \$5.77 a day.

The Oklahoma State Industrial Commission had awarded Mr. Nease 100 weeks of compensation for the loss of use of one eye. The weekly rate of the benefit was \$16.15, meaning that for the 100 weeks of the award, Mr. Nease, now totally blind, would receive a total of \$1,615, presumably less fees for his attorney, J.A. Edwards of Blanton, Osborn & Curtis.

Attorney Edwards argued that W.A. Nease qualified for "permanent total disability." The relevant Oklahoma statute provided that "...loss of both hands, or both feet, or both legs, or both eyes, or any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability." The statute concluded with words familiar to workers' comp practitioners in California: "In all other cases, permanent total disability shall be determined in accordance with the facts."

The compensation for permanent total disability was  $\frac{2}{3}$  of average weekly earnings for 500 weeks. For the completely blind Mr. Nease, this benefit would amount to \$19.23 per week for 500 weeks, totaling \$9,615.

The Oklahoma Supreme Court agreed and awarded Mr. Nease the full benefits allowed for permanent total disability. Mr. Nease won.

And, then, disabled people across the state of Oklahoma lost.

They lost their jobs.

The US Department of Labor did an investigation in the months after the Supreme Court decided in Mr. Nease's favor. The investigators found that thousands of people across the state, people with one good arm or hand, with one good leg or foot, with one good eye, lost their jobs. Employers across Oklahoma feared that they would have to pay permanent total disability to these disabled workers, just like the Supreme Court had ordered for Mr. Nease. So, employers fired one-armed, one-legged, one-eyed people, working capably at their jobs, carrying on and earning a livelihood for their families. Bosses just up and fired them.

The US Department of Labor investigation found that as many as seven to eight thousand people lost their jobs.

The Oklahoma legislature, to its credit, acted. It enacted a "second injury fund." New York had been the first state to enact such a fund in 1916, but few states, and not Oklahoma, followed suit. To avoid the injustice that happened to disabled people after the *Nease* decision, Oklahoma put in place a second injury fund, to provide additional compensation to working people injured on the job, who had pre-existing disability.

And many other states also acted, including California. The first Subsequent Injuries Fund enacted in California in 1929 did not survive constitutional challenge.<sup>1</sup> But the California legislature tried again in 1945, and this time the legislation survived another constitutional attack and stuck.<sup>2</sup> From 1945 to 2003, we had the Subsequent Injuries Fund in California, the "SIF," before the legislature changed the name to the more cumbersome Subsequent Injuries Benefits Trust Fund (SIBTF).

The SIBTF, like most second injury fund statutes across the country, relieves the employer of the obligation to pay compensation for the employee's pre-existing disability, while at the same time providing eligible injured workers with additional benefits that take the pre-existing disability into account. The SIBTF encourages

---

employers to hire people with disabilities and assists the disabled with additional compensation.

So, the next time you pick up an SIBTF file for a client, remember Mr. Nease.<sup>3</sup> Remember W.A. Nease, already blind in one eye, when an explosion took away his good eye. Remember his attorney J. A. Edwards, who fought for Mr. Nease all the way to the state supreme court. And remember all those who lost their jobs when Mr. Nease won his case.

The need for the SIBTF remains urgent.

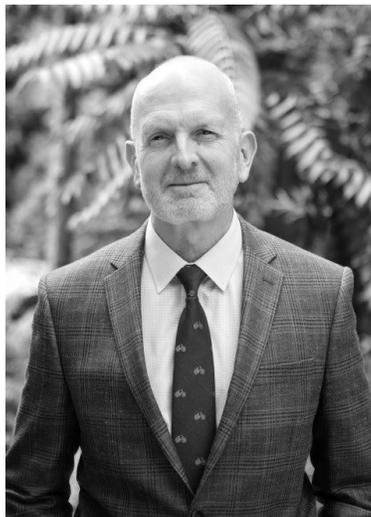
---

<sup>1</sup> *Commercial Casualty Ins. Co. v. Industrial Acc. Com.* (1930) 211 Cal. 210, 295 P. 11; *People v. Standard Oil Company* (1933) 132 Cal. App. 563, 23 P.2d 86, 19. I.A.C. 227.

<sup>2</sup> *Subsequent Injury Fund v. Industrial Acc. Com. (Patterson)* (1952) 39 Cal. 2d 83, 17 Cal. Comp. Cases 142, 244 P.2d 889.

<sup>3</sup> *Nease v. Hughes Stone Co.* (1925) 244 P. 778; 1925 OK 713; 114 Okla. 170; 1925 Okla. LEXIS 1025

Mr. Hester has been practicing workers' compensation law since 1988 and has developed an expertise in SIBTF practice. He teaches a Master Class on the subject and offers consulting services to attorneys who want to learn how to maximize their clients' benefits through SIBTF practice. For more information, go to [sibtflawyers.com](http://sibtflawyers.com).



---

916-580-7000

[eric@erichesterlaw.com](mailto:eric@erichesterlaw.com)

<https://erichesterlaw.com/>

---



## Dynamic Concepts with James Tuthill

---

*“He who is not courageous enough to take risks will accomplish nothing in life.” - [Muhammad Ali](#)*

---

As many of you did this past Sunday, I too watched the Super Bowl from the comfort of my home with my family. I have a personal connection to the game being an ex-NFL player myself. As I watched the pre-game, one commercial caught my attention. It was an ad by Academy Award actress, Viola Davis, speaking about the invisibility of black players within the history of the NFL. She covered the history of the black athletes within the league and how it has evolved to today. You can view the video by clicking [here](#). This video made me think about my time within the league, the changes I have seen and what I feel still needs to be done. My time within the league will also be precious to me, but I know it still has a long way to go regarding inclusion and visibility for our black players.

February is Black History Month and throughout the years it has gained an increased sense of awareness about black culture. This awareness has sadly been brought on by the multitude of violence against our fellow black brothers and sisters. But instead of writing about the past, let's discuss the present climate. We are currently in the worst pandemic in history and black Americans are contracting COVID-19 at a rate of [three times](#) more than white Americans. We currently have two vaccines being distributed, yet black Americans are receiving the vaccination at a [significantly lower rate](#). To top it all off, black Americans have been hit the hardest with [unemployment](#) and/or financial ruins due to this pandemic.



---

You might be wondering, where is Tuthill going with all this? Well, for me, Black History Month is personal. I am the proud father of two mixed children - half white and half black. They are displaying athletic talent and interest in being professional athletes and even though I have personal experience in this realm, I don't have experience in being black. I am a white man and my children will face situations that I never, or would ever encounter. I want to be able to protect them and help them navigate the different system that they will be forced into by society. My prayer is that we as a society can continue to learn and grow from the past and present problems, correct them and hopefully by the time my children are adults, they will not need to overcome so many racial obstacles. This might not be realistic in a short period of time, but if we all learn about black history and the hurdles of our black Americans, then we are shaping the world into a more positive environment for all.

---

To contact Dunamis Alliance, please click on any of the following icons:



Interested in being an author in our next newsletter? If yes, please email [info@dunamis.legal](mailto:info@dunamis.legal)

**Next edition: April 2021**