



California Workers' Compensation Institute

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Significant Decision 15-01

South Coast Framing v WCAB THE SUPREME COURT OF CALIFORNIA Case No. S215637

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For an injury or death to be compensable, the employment must be one of the contributing causes without which the injury would not have occurred.

SIGNIFICANCE: The Supreme Court has retained the traditional causation standard for work-related deaths, rejecting the Court of Appeal's determination that the QME's opinion was not substantial evidence and that industrial injury must be a 'material factor' for a death to be compensable.

FACTS: The injured worker died from an overdose of medications, some of which were prescribed for his industrial injury, and some for non-industrial conditions. The QME initially found that the medication for the industrial injury was not a contributing cause of the worker's death based on blood level testing. At deposition, the QME equivocated, noting that the work-related medications were "a part of the causation pie," but he could not apply a percentage contribution to the work-related medications. In this regard, the QME said that it would be like "throwing a dart."

The WCJ and the Board found that the drugs taken for the industrial injury were a contributing cause of the worker's death and awarded benefits to his dependents. The District Court of Appeal reversed after scrutinizing the QME's opinions and deposition testimony, holding that while the medication for the work-related injury "played a role" in the death, it was not sufficient to prove proximate causation because it was not a "material factor."

HOLDING: In a unanimous decision, the Supreme Court held the employment must be one of the contributing causes without which the injury would not have occurred. The court found that the DCA ignored the findings of fact made by the WCJ and accepted by the WCAB regarding the strength of the QME's opinion and erred in imposing a higher causation standard than was required by the workers' compensation statutes.

DISCUSSION: Citing settled case law and Labor Code section 3202, the Supreme Court reasoned that the DCA's analysis failed to honor the difference between tort law principles and the application of the workers' compensation scheme, noting that "... Tort liability only attaches if the defendant's negligence was a significant or substantial factor in causing injury. In the workers' compensation system, the industrial injury need only be a contributing cause to the disability...."

The court found that once the QME's opinion had been accepted by the WCJ and the appeals board, it was beyond the authority of the Court of Appeal to reject the sufficiency of that evidence. The court specifically stated that the DCA used the word "material" to establish an additional hurdle for determining whether a work injury was a contributing cause of death and found that there was no statutory authority for that higher standard.

The Supreme Court's decision continues to dilute the meaning of 'proximate causation' in section 3600(a), interpreting 'proximate' to mean 'any.' In its amicus brief, the Institute cited numerous cases using the concept of a 'material contributing cause' to interpret section 3600. The Supreme Court disregarded those opinions and relied on the more liberal standard. The court also failed to address the QME's failure to support his opinion with reasonable medical probability. The reports and deposition of the QME are replete with speculation and equivocation. Whether the medical legal evaluator's opinion is supported by substantial evidence is within the authority of the reviewing court, whether the appeals board has accepted it or not.

MMc/by