

# SETTING THE RECORD STRAIGHT ON PRESUMPTIVE WORKERS' COMPENSATION CLAIMS



**COUNTY of VENTURA**  
Civil Grand Jury

## Setting the Record Straight on Presumptive Workers' Compensation Claims

June 25, 2026

A close-up photograph of a hand holding a red pen, filling out a 'WORKER'S COMPENSATION CLAIM FORM'. The form is tilted and shows various fields for information such as Employer Name, Carrier, and Policy Period. The text 'WORKER'S COMPENSATION CLAIM FORM' is prominently displayed at the top of the form. The hand is positioned over the 'Carrier' field, and the pen is ready to write.

# SETTING THE RECORD STRAIGHT ON PRESUMPTIVE WORKERS' COMPENSATION CLAIMS

## SUMMARY

For most Ventura County deputy sheriffs, every day is a risk, where they may experience the possibility of a serious work-related injury or illness, known in workers' compensation terms as a "presumptive" injury or illness.

In interviews with the Ventura County Civil Grand Jury, deputy sheriffs with presumptive claims described their frustration with minimal communication, confusing delays, denials of claims that were later reversed, and long waiting periods.

Ventura County Risk Management executives, supervising presumptive workers' compensation claims, explained the complex, sometimes contradictory, and convoluted California Labor Code and the difficulty finding ways to make the presumptive claims system work for whom it was created and intended to serve.

The Civil Grand Jury found many aspects of processing presumptive workers' compensation claims have improved during the last three years, due to ongoing changes initiated by Ventura County Risk Management.

The improvements have resulted in a more supportive environment for employees and more timely medical treatment with greater flexibility in accepting new treatment protocols. But the leftover perceptions concerning presumptive workers' compensation claims are still with us, and the system is not fixed until the perception of the system is fixed.

## METHODOLOGY

For this investigation, the Ventura County Civil Grand Jury interviewed employees of Ventura County and other subject matter experts.

The following subject areas were researched:

- Histories of the development of workers' compensation in the United States
- Documentation on the processing of presumptive workers' compensation claims from the original document source
- California Labor codes concerning workers' compensation, and judicial decisions affecting the relevant California Labor codes
- Various websites specializing in information about workers' compensation

## EXPLAINER: What is a 'presumption'?

A presumption is a legal concept created by legislative mandate that shifts the burden of proof to the employer once the employee meets the prima facie threshold to trigger the presumption.

The California Legislature enacted the presumption statutes to help ensure that public employees within specific job classifications tasked with providing vital services to the public receive additional benefits easing their burden of proof.

The Legislature made the presumptions that cover safety employees rebuttable.

*Definition provided by Ventura County Risk Management/Workers' Compensation*

## BACKGROUND

**The beginning:** The Industrial Revolution, in the late 19th century, was the catalyst for creating our system of workers' compensation insurance. The argument for worker protection came to a head with the muckraking journalists exposing the prevalence of workers' injuries and deaths in the early 20th century. They turned public sentiment in favor of injured workers, and provisions for workers' compensation insurance were written into the California Labor Code (CA Labor Code) in 1911. ([Ref-002](#)) "... workers covered under the compensation statute traded off their rights to sue employers for the expectation of quick, sure, and adequate benefits." ([Ref-003](#))

Taking care of the most vulnerable: In 1937 the California Legislature created a special category of "Safety Workers" or the "State Safety" class. Safety workers are employees whose jobs have exceptional risks and stress, such as law enforcement officers and firefighters. [CA Government Code sections 20390 – 20416]

Presumptive workers' compensation claims were created for safety workers in 1937 to secure appropriate treatment for injuries and illnesses caused by their dangerous work and work environment. Safety workers' injuries and illnesses are presumed to be work-related unless the employer can rebut the diagnosis by proving that the injuries and illnesses were not caused by work or the work environment. [CA Labor Code sections 3212 – 3214]

The presumption, as stated in the CA Labor Code is, "In the case of members of a sheriff's office or the California Highway Patrol, district attorney's staff of inspectors and investigators, or of police or fire departments. ...The hernia, heart trouble or pneumonia so developing or manifesting itself in those cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. ...The hernia, heart trouble, or pneumonia so developing or manifesting itself in those cases shall in no case be attributed to any disease existing prior to that development or manifestation." [CA Labor Code section 3212 (a) (1) (2) (3)] Additional presumptive conditions have been added over the years to the CA Labor Code including cancer, tuberculosis, and blood borne infections. [CA Labor Code sections 3212.1 through 3214,]

**Two different medical opinions:** The 1937 code specifically required the workers' compensation administrator to prove that safety workers' presumptive injuries or illnesses were not caused by work stress or physical exertion and that injuries or illness could not be attributed to a preexisting disease. However, at that time, there was no consensus within the medical profession or in workers' compensation claims assessments about whether injuries and illnesses could be caused by stress or physical exertion and how they might be related to a pre-existing condition.

The 1978 California Supreme Court, in the case of *City and County of San Francisco v. Workers' Comp. Appeals Bd.* stated, "That problem, widely recognized in both the legal literature and the case law as probably the most prolific and troublesome problem in workers' compensation law arises from ... the persisting cleavage in medical theory itself." ([Ref-004](#))

"It was to this serious and continuing 'evil' or 'mischief' that the 1959 amendment of section 3212.5 was directly addressed. To eliminate the repeated and unilluminating battle of the experts with respect to the pre-existing heart disease issue and to provide consistency in treatment to similarly situated injured workers, the Legislature amended section 3212.5 to preclude the Workers' Compensation Appeals Board

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from finding the statutory work-related presumption rebutted solely based on evidence attributing the heart attack to a pre-existing disease." California Supreme Court decision in *The City and County of San Francisco v. Workers' Comp. Appeals Bd.* ([Ref-005](#))

**Research proves stress is a factor:** The dispute concerning the role of stress, physical exertion, and pre-existing diseases in the development of work-related presumptive illnesses and injuries continued to be disputed until recent years when research demonstrated the connection between work stress and physical exertion in the development of diseases and injuries, such as heart trouble and cancer. ([Ref-006](#), [Ref-007](#))

Ventura County Risk Management states in its description of presumptive claims that "employees with specific job classifications [safety employees] receive additional benefits easing their burden of proof." One example is that a presumptive disease or injury cannot be attributed to a pre-existing condition. [CA Labor Code section 3212.5 paragraph 3] ([Ref-001](#))

**Old ideas linger:** The many years of uncertainty about what a presumptive workers' compensation claim meant and what an injured or ill deputy sheriff in Ventura County could expect from the workers' compensation system resulted in distrust of claims administrators and confusion about the entire system. It is from these systemic issues, largely resolved in Ventura County, that old perceptions persist. ([Ref-001](#), [Ref-008](#))

Consequently, the Ventura County Sheriff's Office concluded, based on experiences of deputy sheriffs who had filed presumptive claims in the past, that presumptive claims were denied without justification. ([Ref-001](#)) Injured or ill deputies could not get acceptable treatment in a timely manner. ([Ref-001](#)) Deputies believed the only way to be treated fairly was to retain an attorney. ([Ref-001](#)) The department suffered from deputies not returning to work and the slow return was attributed to wrongly delayed and denied treatment. ([Ref-001](#)) The result was working deputies having to fill, at time-and-a-half pay, the positions previously filled by the injured or ill deputies. ([Ref-001](#)) The Sheriff's Office seemed to always be understaffed, as the deputies coming out of training never made up for the loss of deputies on leaves of absence (LOA), and the time and money to train new deputies was another large cost as a result of deputies on LOA. ([Ref-001](#), [Att-007](#)) The Sheriff's Office estimates that costs for the absence of experienced injured or ill deputies were in the millions, however, there has never been an audit of deputy LOA costs. ([Ref-001](#))

### Improvements in Ventura County's Workers' Compensation Program

Beginning in 2023, positive changes in workers' compensation administration for Ventura County employees have been implemented by Ventura County Risk Management. Presumptive workers' compensation claims, as well as workers' compensation non-presumptive claims, have benefited. The improvements are:

**No Medical Provider Network:** In Ventura County employees can choose their treating physician. In most California counties, employees must pick from a Medical Provider Network of physicians chosen by the workers' compensation administrator. ([Ref-001](#), [Att-006](#), [Att-009](#))

**FastTrack Program:** An agreement with Ventura Orthopedics covers the presumptive claim of lower back injury resulting from the wearing of the deputies' duty belt.

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Risk Management set up a system in Ventura County in which the employee can go directly from the site of their orthopedic injury to the designated orthopedic clinic for evaluation and treatment. There is no waiting, no Utilization Review, and no challenge to the orthopedic clinic's diagnosis. ([Ref-010](#), [Att-001](#), [Att-009](#))

The employee is also free to choose another orthopedic practice.

**Diagnostic tests:** Any tests prescribed by the treating physician for diagnostic purposes are automatically pre-approved. ([Ref-002](#), [Att-002](#), [Att-009](#))

**Cancer treatment:** Every cancer patient whose presumptive workers' compensation claim is approved has the right to choose any treatment facility that accepts workers' compensation fees. However, Ventura County Risk Management has created a system where these employees have automatic acceptance at their choice of three world-renowned cancer treatment centers in Southern California. Those cancer treatment centers are City of Hope, USC Norris Comprehensive Cancer Center, and UCLA Jonsson Comprehensive Cancer Center. (Ref-001, [Att-009](#))

**Specialist substituted for Qualified Medical Evaluator:** If an employee is waiting for a second opinion diagnosis from a Qualified Medical Evaluator (QME), they can choose a specialist in the injury or illness they are experiencing, and workers' compensation will accept that physician's second opinion diagnosis in place of the diagnosis of a QME. (Ref-001) [CA Labor Code section 139.2 (h) (1)]

**New claims examiner team:** Ventura County Risk Management has put together a team at Sedgwick, Ventura County's third-party administrator (TPA), which has been working with Risk Management to create an environment that acknowledges they are there to serve Ventura County employees. Three additional claims examiners have been added to the Sedgwick team assigned to VCISO and Ventura County Fire Department (VCFD). The additional claims examiners are paid from Ventura County's general fund allocations to the VCISO and VCFD. A total of five claims examiners now work exclusively with the two safety workers departments. This has enabled the claims examiners to spend more time and have better communication with the employees they serve. (Ref-001, [Att-009](#))

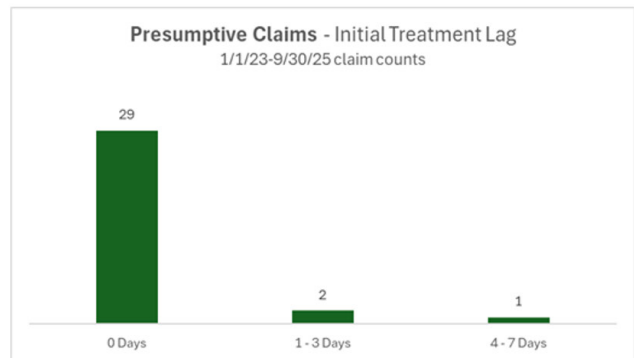
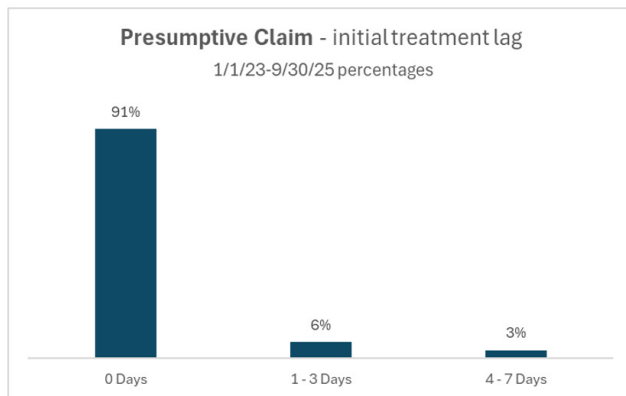
### **Additional Indications of Improved Administration of Claims:**

- Prior to 2023, 65% of employees filing workers' compensation claims retained a lawyer to represent them in the workers' compensation claims process, while 35% did not retain a lawyer. ([Att-003](#))
- From 2023 through the end of 2025, 22% of claimants retained a lawyer, while 78% did not retain a lawyer. ([Att-003](#))
- The workers' compensation insurance rates that the VCISO and the VCFD pay have decreased each of the last three years. ([Att-004](#))

# SETTING THE RECORD STRAIGHT ON PRESUMPTIVE WORKERS' COMPENSATION CLAIMS

## Initial Treatment Access Presumptive Claims 01/01/2023 - 09/30/2025

- 100% of claims had initial treatment obtained within the first 4 days of the claim being reported
- 91% of presumptive claims had treatment prior-to, or the day-of claim reporting
- Deferred claims get \$10K in treatment costs covered during decision period



Initial Treatment Access for Presumptive Claims ([Att-013](#))

## DISCUSSION

### The presumptive injury claims process

The Civil Grand Jury's investigation began with an inquiry into how a presumptive workers' compensation claim is processed: ([Ref-011](#))



**First step:** If a safety worker has an injury or illness that meets the criteria for a presumptive claim, they must notify their employer within 30 days. [CA Labor Code sections 5400 & 5401 (a)]



**The application:** Within one working day of notifying the Human Resources (HR) Department of their injury or illness, HR provides the worker with a workers' compensation claim application. When it is completed by the worker, HR sends the application to Sedgwick Claims Management Services, Inc., Ventura County's TPA for workers' compensation and, specifically, to the claims examiner assigned to the claim. ([Ref-012](#), [Ref-013](#), [Att-005](#)) Then the claims examiner authorizes up to \$10,000 in treatment, including any diagnostic tests that the deputy's treating physician prescribes. [CA Labor Code 5402 (c)]



**The treating physician's report:** It is the responsibility of the ill or injured worker filing a presumptive claim to choose a treating physician who will make the first diagnosis and write a report confirming that the injury or illness was caused by the employee's work, as required in the CA Labor Code. Cancer requirements are among the most complex. The treating physician must determine the cancer's site of origin in the body, the cause of the cancer, and the deputy's exposure to the carcinogen within the work environment. Other illnesses and injuries have their own specific requirements. [CA Labor Code section 3212.1 (a)(b)(c)(d)(f)] ([Att-009](#))



**First notification:** Within 14 days, the claims examiner sends the worker one of three notices regarding their presumptive claim: DELAYED: Claims examiner will continue to investigate for up to 75 days. [CA Labor Code section 5402 (b) (2)] DENIED: Worker can appeal the decision. APPROVED: Worker receives presumptive workers' compensation benefits. [CA Labor Code 5402 (e)]



**Utilization Review:** If the claim is delayed, the claims examiner has 75 days in which to accept or rebut the diagnosis submitted by the treating physician. [CA Labor Code section 4610] The claims examiner uses the California Medical Treatment Utilization Schedule to determine appropriate treatment for the claimants' injury or illness. [CA Labor Code section 4610]



**Approval:** If the treating physician's diagnosis is received by the claims examiner and is not rebutted within the 75-day investigation period, the application must be approved. [CA Labor Code section 5402 (b)(2)]

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### Issues from the past affecting current perceptions

In the past, what could go wrong is what has gone wrong for safety employees' presumptive claims. Claims processing complaints were due to the complexity and internal contradictions of the California Labor Code regarding workers' compensation, problems with communication, lack of knowledge concerning how workers' compensation works, and the employer's concern about the costs of workers' compensation claims. (Ref-001, [Ref-008](#)) Many of these problems have now been addressed, but the memories persist. (Ref-001)

**Cascading delays:** If the treating physician delays completing the required paperwork dealing with the original diagnosis, the claims examiner may be prevented from completing their investigation within the 75-day investigation period. [CA Labor Code 5402 (b) (2)]. Thus, the claims examiner has no basis to either approve or reject the claim.

There is no provision in the California Labor Code for delaying a decision beyond the presumptive claim 75-day investigation period. Sedgwick's "Client Service Instructions" do allow the claims examiners to delay the decision beyond the 75-day window. The TPA claims examiner delays or denies the claim and if new evidence is received that supports the claim, for example the treating physician's report, the claims examiner will reverse their decision and accept the claim at that time. ([Att-010](#)) The complaint about delays or denials due to lack of supporting information was common among the deputy sheriffs with long-standing claims who were interviewed by the Civil Grand Jury. (Ref-001)

**QME specialists:** If the TPA claims examiner disputes the treating physician's diagnosis, they may request a second opinion from a QME. The California Division of Workers' Compensation provides a panel of three randomly selected QMEs. Both parties are allowed to reject one of the QMEs and the remaining QME is chosen to provide a second opinion. [CA Labor Code section 139.2 (g), (h) (1), (h) (3) (B), (h) (4)]

The problem buried in this stage of the process is that QMEs are highly trained in workers' compensation regulations and the paperwork that comes with them, but it is very hard for the California Division of Workers' Compensation Medical Unit to find physicians specializing in cancer, heart disease and other illnesses and injuries, willing to go through the process to become QMEs through the cumbersome administrative requirements. (Ref-001) [CA Labor Code section 139.2 (h) (4)]

As a result, the workers' compensation QME panel may not be specialists in the employee's specific condition. The employee is left with the physician they hope is the best option among three potentially underqualified physicians. [Division 1, Dept of Industrial Relations, Chapter 5, Sections 110-139.6 (h) (3) (b)] For example, the Civil Grand Jury learned that a Ventura County safety worker with a serious presumptive back injury received their QME opinion from a podiatrist. (Ref-001) A safety worker in Ventura County was informed that, "We are unable to assign a panel of three Qualified Medical Evaluators (QMEs) because we currently do not have sufficient QMEs listed in the medical specialty you requested. Use the attached medical specialty list to select a different medical specialty." ([Att-011](#)) In addition, the claimant's application was sent back to him because his wife had inadvertently written down the date of injury as 12/18/2023 instead of 12/18/2022. This document was signed on 3/20/2023, nine months before the date of 12/18/2023 occurred, and the correct date was on two accompanying documents. ([Att-011](#))

### CONCLUSION

**Two different schedules:** After the selection process, QMEs must (1) examine the patient and review the treating physician's diagnosis within 90 days and (2) within 30 days, write their report. [CA Code of Regulations, Title 8, section 3212.5, paragraph 3] The 30 days can be extended by another 30 days if the QME requests the extension. ([Ref-014](#)) [CA Labor Code Title 8, section 38]

There is a structural conflict between the presumptive claim 75-day decision deadline and the 90-day window allotted for QME evaluations. This discrepancy can make it impossible for the claims examiner to accumulate the required medical and legal evidence to either accept or reject the claim within the investigation timeline period. Once again, the claims examiner cannot approve within 75 days if the QME has not provided their assessment. They also have no basis to deny the claim. (Ref-001, [Att-010](#))

If the QME ultimately denies the claim, the employee has a right to appeal. If they appeal, the case will go to the Workers' Compensation Appeals Board and there will be more delays in the process of setting up the hearing. ([Att-012](#)) The Workers' Compensation Appeals Board will decide which of the two diagnoses is correct. [CA Labor Code section 115] (Ref-001)

The potential delays are significant. The employee's treatment is limited to the \$10,000 allocated to every claimant when their application is first submitted. [CA Labor Code section 5401 (c)] ([Att-009](#)) Unless and until the claim is approved, the employee does not receive 4850 benefits, which provide income during their leave of absence (LOA). [CA Labor Code sections 4850 – 4856] They could apply for disability insurance and use their banked sick and vacation days until their claim is approved or the disability insurance begins to pay.

**Approval of new treatments:** Even if the workers' compensation claim is approved, there can be obstacles to receiving treatment. The treatments for injuries and illnesses are specified in the workers' compensation Medical Treatment Utilization Schedule and are mandated by the California Legislature. They do not always reflect the most recent developments in the treatment of diseases or injuries. [CA Labor Code section 4604.5 (a) (b)] (Ref-001)

If the treating physician is a specialist who is familiar with the latest treatment for the employee's illness or injury, but the new treatment has not made its way into the Medical Treatment Utilization Schedule, the treating physician can request a meeting with the QME assigned to the claim and explain the cutting-edge treatment the physician recommends.

The QME may agree with the treating physician, but the QME has the final decision. The decision can be appealed to the Workers' Compensation Appeals Board, but appeals prolong the beginning of treatment and, ultimately, the employee's return to work. [CA Labor Code section 4604.5 (a) (b)] (Ref-001, Att-012) For example, a Ventura County safety worker was refused the most recent development in treatment for his condition multiple times and after the treating physician met with the assigned QME. The result was the worker paid for the procedure through their personal insurance, which included significant co-pays. (Ref-001)

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## Who Can Help?

**TPA and the claims examiner:** For employees of the County of Ventura, the ultimate responsibility for oversight of the workers' compensation claims administration resides with Ventura County Risk Management. The TPA, contracted by Ventura County, will assign a claims examiner to manage the claim, and that person will be the main contact for the employee throughout the claims process. The VCSO HR department will forward the completed presumptive claim application provided by an employee to the designated claims examiner, but beyond that, the VCSO HR department has no more responsibilities. (Ref-001, [Ref-019](#))

**VCSO Human Resources Department:** The VCSO HR staff are well meaning and characterize themselves as "sympathetic good guys." (Ref-001) But they lack the training to deal with the hard problems. If the employee or their supervisor asks for help, the Sheriff's Office HR will contact the employee's TPA claims examiner and/or the head of the Ventura County Risk Management department who supervises workers' compensation claims and explains the employee's issue. (Ref-001)

Risk Management and/or the claims examiner may solve the issue. But there is no system within the Sheriff's HR department that anticipates issues, tracks the process of the claim, or helps the employee proactively. Neither does it have systems that anticipate and diagnose at an early stage the effects of the stressors and physical requirements of deputies' jobs on their health. (Ref-001)

Risk Management, the TPA claims examiners, and the VCSO HR department meet four times a year to discuss and examine ways to settle "difficult cases." VCSO executive staff is invited to these meetings, but has not attended. (Ref-001)

## GLOSSARY

### Definitions of terms used in this report:

**California Labor Code 4850:** Provides for payments to safety employees on leave of absence because of work-related injuries or illnesses. An employee's application needs to be accepted for code 4850 to be accessed by the employee.

**Claims examiner:** Individual at Ventura County's third-party administrator (Sedgwick) who processes workers' compensation claims. Their responsibilities include receiving and assessing workers' compensation applications, investigating the claims, and making the initial determination to accept or deny the claim. They are the primary contact for the employee when filing a claim. As required by statute, they communicate by phone or mail the status of the claims as they are being processed.

**Light duty:** Low stress, low risk work provided to deputies returning from a leave of absence due to injury or illness.

**Presumptive workers' compensation claims:** Workers' compensation claims that presume that the injury or illness is work related with the burden of proving that the injury or illness is not work-related falling on the employer.

**Rebuttal:** A challenge to a theory presented. In the context of workers' compensation, a response contesting a diagnosis by an employee's treating physician.

**Safety Workers or State Safety Class:** Employees who work under dangerous and stressful conditions and are eligible to apply for presumptive workers' compensation claims if they are injured or develop a covered disease. The injury or illness is then presumed to be work related.

**Treating physician:** The physician picked by the injured or ill employee to make the first diagnosis of their condition and supervise their treatment.

# SETTING THE RECORD STRAIGHT ON PRESUMPTIVE WORKERS' COMPENSATION CLAIMS

VCSO has specific stressors, risks, dangers, and job threats that are unique to law enforcement. The reality of the work of law enforcement and the kinds of injuries and illnesses that result need to be addressed within the context of presumptive workers' compensation claims. (Ref-001)

**VCFD's example:** The fire department has developed a system that assigns an advocate who is involved with the treatment of its injured or ill employees. The advocates provide knowledgeable advocacy to the employees throughout the claims process, diagnosis, and treatment of the injury or illness. The VCFD advocates are proactive in solving problems with the cooperation of Ventura County Risk Management and the TPA claims examiner assigned to the case. There has been an emphasis on preventing illnesses derived from work conditions and diagnosing and treating such illnesses at the very earliest stages of the diseases. (Ref-001)

## TERMS IN THIS REPORT

**CA Labor Code:** California Labor Code

**HR:** Human Resources

**I&A:** Division of Workers' Compensation Information and Assistance Unit

**LOA:** Leave of Absence

**QME:** Qualified Medical Evaluator

**TPA:** Third-Party Administrator

**UR:** Utilization Review

**VCFD:** Ventura County Fire Department

**VCSO:** Ventura County Sheriff's Office

**WC:** Workers' Compensation

**Division of Workers' Compensation Information and Assistance Unit:** The California Labor Code requires that contact information for the Division of Workers' Compensation Information and Assistance Unit (I&A) be included with all written notices concerning claims issued by the claim's administrators. The purpose of the I&A is to provide information and guidance to claimants and agencies dealing with workers' compensation. I&A officers serve as advocates for any claimant who contacts them. The I&A officers know the law that governs workers' compensation. I&A officers can advise claimants on the process and verify benefits that they are being offered or are receiving. I&A officers can suggest potential alternative approaches if their claim seems to be stalled. The only claimants who cannot access this resource are those who are represented by an attorney. Ventura County Risk Management and claims examiners offer this resource to claimants, but this resource is underused. (Ref-001, [Ref-016](#)) [CA Labor Code section 139.6]

**Workers' compensation lawyers:** An employee submitting a presumptive workers' compensation claim application can hire a lawyer to represent them in the process. The VCSO HR department and the deputy sheriff's union, Ventura County Deputy Sheriffs' Association, often recommend that deputies hire a lawyer to represent them for their presumptive workers' compensation claims. (Ref-001) When an employee hires a lawyer, the claims examiner is prohibited from speaking directly with the employee. All communication and correspondence must go through their lawyer. A lawyer can provide knowledge of the process and sometimes expedite the process, but having a lawyer also distances the employee from the process. The lawyer will be paid out of any settlement received by the employee. (Ref-001, [Ref-017](#))

## Unintended Consequences

If approval is a smooth process, as it often is, all is well and the goal of the California Constitution in Article XIV, Section 4, is met: "A complete system of workers' compensation includes adequate provisions for the comfort, health, and safety, and general welfare of any and all workers ... irrespective of the fault of the party ... to the end that the administration of such legislation shall accomplish

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substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State." ([Ref-018](#))

However, if the process for approval of a claim is not smooth, there are consequences. The claimant is at home, cut off from the world they worked in. They may have to use their vacation and sick-leave days for income. The individual is ill or injured, does not know when they will receive treatment, may be in pain or incapacitated in some way and living every day in fear.

There were only 39 presumptive workers' compensation claim applications between January 1, 2023, and October 31, 2025. ([Ref-009](#)) This is a small number in relation to the total number of claims. However, cancer, heart disease, and blood-borne infections are among the serious presumptive injuries and illnesses that safety workers contract. Treatment can be difficult and prevent them from getting back to work for a long period. (Ref-001)

### **Unbudgeted Costs**

When a deputy sheriff is on leave of absence (LOA) due to a work injury or illness, no one can be hired to fill the position of the absent deputy. The job must be filled by other deputy sheriffs working overtime at the rate of 1-1/2 times their base pay. If the employee's claim has been approved, the Ventura County Sheriff's Office pays the injured or ill deputy through the CA Labor Code 4850 provision, which is partially reimbursed to the Sheriff's Office later. There are also costs for training replacement officers and the effect of the temporary loss of experienced officers. ([Att-007](#)) The costs to the Sheriff's Office have been estimated in the millions of dollars every year; however, there has never been an audit of the costs of the replacement of deputies on leave with deputies working at overtime rates, as well as the costs to train new deputies. (Ref-001, [Att-014](#))

### **Returning to Work**

When the deputies have completed their treatment and are medically approved to return to work, they may be limited to "light duty." According to command staff of the VCSO, there are very few light duty jobs in the Sheriff's Office that are of value to the Sheriff's Office and are stimulating and satisfying to deputy sheriffs returning to work. (Ref-001) Light duty work gets them back on the regular payroll, but not back into the work of a deputy sheriff or other meaningful work. At the same time other deputies at VCSO are still filling the job, at time-and-a-half pay, that the deputy on light duty held before their injury or illness. Consequently, morale suffers. (Ref-001, [Ref-009](#), [Att-008](#))

Ventura County Fire Department has recently addressed the problem of finding or creating light duty projects that are valuable to the department and satisfying work for the firefighters. (Ref-001)

### **Some Good News**

Under Risk Management's direction, Sedgwick has provided the Civil Grand Jury with additional data tracking its success in improving the administration of presumptive workers' compensation claims.

## BY THE NUMBERS

VCSO Presumptive Claim Statistics, Jan.1, 2023, to Oct. 3, 2025

**39** of **578**

Workers' Compensation claims filed were for presumptive injuries

**10** of **39**

Were accepted within an average of 13 days after VCSO reported to Sedgwick

**14** of **39**

Were accepted within 75 days (legislative decision date)

**15** of **39**

Were denied within 75 days (legislative decision date)

**8**

Were subsequently accepted upon receipt of new evidence

**7**

Remain denied, and denials are not disputed

**5** of the **7**

Were for COVID, which is no longer presumptive

**While awaiting claim decision, up to \$10,000 in medical treatment was provided to claimants.**

*Data provided by Sedgwick Claims Management Services, Inc.*

## FINDINGS

- F-01.** The Ventura County Civil Grand Jury finds that the California Labor Codes for workers' compensation presumptive claims are complex, convoluted and lead to confusion.
- F-02.** The Ventura County Civil Grand Jury finds that safety workers of the Ventura County Sheriff's Office and Ventura County Fire Department each encounters unique stressors and occupational hazards that can lead to injury or illness.

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- F-03.** The Ventura County Civil Grand Jury finds that the Ventura County Sheriff's Office Human Resources department has limited expertise in presumptive workers' compensation claims administration.
- F-04.** The Ventura County Civil Grand Jury finds that workers' compensation education for deputy sheriffs relating to presumptive claims is insufficient to ensure understanding of their rights and responsibilities.
- F-05.** The Ventura County Civil Grand Jury finds that the Ventura County Sheriff's Office Human Resources department lacks a knowledgeable advocate to guide and aid deputy sheriffs through the presumptive workers' compensation process.
- F-06.** The Ventura County Civil Grand Jury finds that the California Division of Workers' Compensation provides advocates for workers' compensation claimants through their Information and Assistance Unit. However, this resource is underused by claimants despite contact information provided regularly by claims administrators.
- F-07.** The Ventura County Civil Grand Jury finds there has been recent increased communication between the Ventura County Sheriff's Office and Ventura County Risk Management but finds that productive communication and collaboration on workers' compensation issues still need to be improved.
- F-08.** The Ventura County Civil Grand Jury finds that the Ventura County Sheriff's Office does not have an early intervention program to diagnose the development of cancer and other diseases in deputy sheriffs.
- F-09.** The Ventura County Civil Grand Jury finds that there are opportunities to develop more fully satisfying and relevant "light duty" programs that would benefit the Sheriff's Office and better prepare the recovering deputies for return to regular duty.
- F-10.** The Ventura County Civil Grand Jury finds that despite serious concerns regarding the costs of Ventura County Sheriff's Office workers' compensation leaves of absence, these costs have never been audited.

## RECOMMENDATIONS

- R-01.** The Ventura County Civil Grand Jury recommends that the Ventura County Sheriff's Office and County Risk Management executives formalize a collaborative partnership through regular communications, aiming to better support deputy sheriffs with workers' compensation illnesses or injuries and address shared challenges in workers' compensation claims, by December 31, 2026. (F-01, F-02, F-06, F-07)
- R-02.** The Ventura County Civil Grand Jury recommends that the Ventura County Sheriff's Office and County Risk Management establish a process to assess and resolve challenges related to presumptive claims, and develop actionable solutions to improve outcomes, by October 31, 2026. (F-01, F-02, F-06)
- R-03.** The Ventura County Civil Grand Jury recommends that Ventura County Risk Management and the Ventura County Sheriff's Office coordinate training on workers' compensation regulations for the Sheriff's Human Resources staff, supervisors, and personnel who interact with deputy sheriffs' filing claims, by October 31, 2026. (F-01, F-02, F-03)

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- R-04.** The Ventura County Civil Grand Jury recommends proactively educating all deputy sheriffs on presumptive workers' compensation, including the deputies' specific responsibilities during the claims and treatment process. It is recommended that this training takes place within three years of first employment, but after their initial academy and on-the-job training, with plans to be completed by December 31, 2026. (F-01, F-02, F-04, F-05)
- R-05.** The Ventura County Civil Grand Jury recommends that the Ventura County Sheriff's Office implement an advocacy-based workers' compensation program, featuring designated trained personnel to assist injured or ill deputy sheriffs through the entire claims and treatment processes, by December 31, 2026. (F-01, F-05)
- R-06.** The Ventura County Civil Grand Jury recommends the Ventura County Sheriff's Office and the Ventura County Fire Department contact and meet with officers of the California State Division of Workers' Compensation Information and Assistance Unit in Ventura County to better understand the services the unit provides, and then communicate information about this resource to their employees, by October 31, 2026. (F-06)
- R-07.** The Ventura County Civil Grand Jury recommends that Ventura County Sheriff's Office adopt preventative health programs for deputy sheriffs, including comprehensive annual physicals and emotional wellness programs – similar to initiatives established by the Ventura County Fire Department, by December 31, 2026. (F-02, F-08)
- R-08.** The Ventura County Civil Grand Jury recommends strengthening the "light duty" program through development of a diverse portfolio of productive "light duty" assignments to improve employee engagement and program value, by December 31, 2026. (F-09)
- R-09.** The Ventura County Civil Grand Jury recommends that the Ventura County Controller-Auditor conduct an audit of Ventura County Sheriff's Office deputy sheriffs' leave of absence costs, by December 31, 2026. (F-10)
- R-10.** The Ventura County Civil Grand Jury recommends that the Board of Supervisors, Risk Management and Human Resources petition state representatives to resolve inconsistencies between the California Labor Code's 75-day investigation deadline with the 120-plus days allotted for a Qualified Medical Evaluator to complete their examination and report, by December 31, 2026. (F-01)

## RESPONSES

Responses required from:

**The following governing body within 90 days:**

Ventura County Board of Supervisors (F-01, F-02, F-10, R-09, R-10)

**The following elected officer within 60 days:**

Ventura County Sheriff (F-01, F-02, F-03, F-04, F-05, F-06, F-07, F-08, F-09, F-10, R-02, R-03, R-04, R-05, R-06, R-07, R-08, R-10)

Ventura County Auditor-Controller (F-10, R-09)

# SETTING THE RECORD STRAIGHT ON PRESUMPTIVE WORKERS' COMPENSATION CLAIMS

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Responses invited, but not required, from:

**The following appointed officers within 60 days:**

County Executive Officer (F-01, F-02, F-03, F-04, F-05, F-06, F-07, F-08, F-09, F-10, R-01, R-02, R-03, R-04, R-05, R-07, R-08, R-09, R-10)

Chief, Ventura County Fire Department (F-06, R-06)

## COMMENDATIONS

The Ventura County Civil Grand Jury commends the Ventura County Risk Management/Workers' Compensation Division for creating a best-in-class workers' compensation program. By improving both presumptive and non-presumptive workers' compensation claims processing, Risk Management has enhanced the claimant's experience, demonstrating exceptional skill in finding solutions to the long-standing problems while complying with the California Labor Code. In addition, Risk Management has made significant progress in replacing the negative perception of the workers' compensation claims process with a reality that has caused injured and ill safety workers to experience and perceive a better and more humane processing of workers' compensation claims.

The Ventura County Civil Grand Jury commends the Ventura County Fire Department for their involvement in proactively caring for the injuries and illnesses of their employees. They have set up programs, with the help of Ventura County Risk Management, for early detection of illnesses, easier transition back to regular work duties, and support and education of employees throughout the workers' compensation claims process. Also important is the mutually supportive communication established between the Fire Department, Risk Management, and the team of Sedgwick claims examiners.

## REFERENCES

- Ref-001.** Interviews with various officials and other knowledgeable parties.
- Ref-002.** [The Evolution of Workers' Compensation policy in California, 1911-1990, pages 40-44](https://www.cschs.org) https://www.cschs.org. accessed April 19, 2026.
- Ref-003.** [The Evolution of Workers' Compensation Policy in California, 1911-1990, page 58, Exclusive Remedy.](https://www.cschs.org) https://www.cschs.org. Accessed April 19, 2026.
- Ref-004.** [California Supreme Court's Ruling on City & County of San Francisco v. Workers' Comp Appeals Board on the effect of differing medical theories on workers compensation claims.](https://law.justia.com/cases/california/supreme-court/3d/22/103.html) https://law.justia.com/cases/california/supreme-court/3d/22/103.html. page 3 section 2., paragraph 1. Accessed April 19, 2026.
- Ref-005.** [California Supreme Court's Ruling on City & County of San Francisco v. Workers' Comp Appeals Board on the effect of differing medical theories on workers compensation claims.](https://law.justia.com/cases/california/supreme-court/3d/22/103.html) https://law.justia.com/cases/california/supreme-court/3d/22/103.html. page 5, section 2, paragraph 4. Accessed April 19, 2026.
- Ref-006.** ["Dying for the job: police mortality, 1950-2018" by John M. Violanti, provided by HHS Public Access.](https://pubmed.ncbi.nlm.nih.gov/articles/PMC10191188/pdf/nihms-1861693.pdf) Pmc.ncbi.nlm.nih.gov/articles/PMC10191188/pdf/nihms-1861693.pdf Accessed April 24, 2026.

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- Ref-007.** [John M. Violanti, Expert on law enforcement mental and physical health, career biography, provided by The Howard C. Liebengood Foundation.](#) Accessed April 24, 2026.
- Ref-008.** [Risk Management for Enterprises and Individuals – Business Libre Texts, Chapter 16: Risks Related to the Job: Workers Compensation and Unemployment Compensation, section 16.3, pages 2, 3.](#) [https://saylordotorg.github.io/text\\_risk-management-for-enterprises-and-individuals/s20=03-workers-compensation-issues.html](https://saylordotorg.github.io/text_risk-management-for-enterprises-and-individuals/s20=03-workers-compensation-issues.html) Accessed May 9, 2026.
- Ref-009.** [Sum, Juliann and Frank, John. Institute for Research on Labor and Employment \(IRLE\) Working Paper #80-01, July 2001. "Return-to-Work in California: Listening to Stakeholders' Voices" Chapter IV. Findings, Chapter VII. Recommendations."](#) <http://irle.berkeley.edu/workingpapers/80-01.pdf>. Accessed May 2, 2026.
- Ref-010.** [Ventura Orthopedics Fast Track Program. Explains Ventura County's `program for the treatment of safety workers' orthopedic injuries.](#) <https://venturaortho.com/services/?service=FastTrack Program>. Accessed May 9, 2026.
- Ref-011.** [Information about how to file a workers' compensation claim. Published by Division of Workers' Compensation in California.](#) <https://dir.ca.gov/injuredworker guidebook/injuredworkerguidebook.html> Accessed May 2, 2026.
- Ref-012.** [Third Party Administrator and Qualified Administrator.](#) <https://www.dir.ca.gov/osip/examination.html> Accessed May 8, 2026.
- Ref-013.** [DWC-1 form for making an application for a workers' compensation claim.](#) [Dir.ca.gov/dwc/forms.html](https://www.dir.ca.gov/dwc/forms.html) Accessed May 12, 2026.
- Ref-014.** ["QME Report Filing Deadlines Under DWC Scrutiny" by Catherine Montgomery, March 9, 2017.](#) <https://blog.daisybill.com/qme-report-filing-deadlines-under-dwc-scrutiny> Accessed May 9, 2026.
- Ref-016.** [Division of Workers' Compensation Information and Assistance Unit description. Published by Division of Workers' Compensation Information and Assistance Unit.](#) <https://www.dir.ca.gov/DWC/landa.html> Accessed May 1, 2026.
- Ref-017.** [Attorney Information provided by the California Division of Workers' Compensation.](#) <https://dir.ca.gov/dwc/attorney.html> Accessed May 1, 2026.
- Ref-018.** [California Constitution Article XIV – Labor Relations Section.4. Meeting goals of this section of the California Constitution](#) [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.4.&article=XIV](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.4.&article=XIV) Accessed May 10, 2026.
- Ref-019.** [How to File a workers' compensation claim, provided by DWC Information & Assistance Unit](#) <https://www.dir.ca.gov/dwc/iwguides/IWGuide01.pdf> Accessed March 30, 2026.

## ATTACHMENTS

- Att-001.** [Fast Track UR. Sedgwick client Services Instructions. Revision date February 2026.](#) Sent via email, March 30, 2026.
- Att-002.** [Diagnostic tests do not require approval. Sedgwick Client Services Instructions. Revised February 2026.](#) Sent via email, March 30, 2026.
- Att-003.** [Percentage of claimants to retain attorneys for workers' compensation claims over years. It is based on Sedgwick's Loss Report.](#) Sent via email, May 1, 2026.

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- Att-004.** [Workers' compensation rates are coming down. Provided by Ventura County Risk Management.](#) Sent via email, April 17, 2026.
- Att-005.** [Amendment #5 to County of Ventura Contract 7326 with Sedgwick Claims Management Services, Inc. for Third Party Administration Services – Workers' Compensation.](#) Sent via email, October 14, 2025.
- Att-006.** [PPO/Directed Care Networks & No Medical Provider Network \(MPN\). Examiner Hot Sheet, provided by VC Risk Management to Sedgwick.](#) Sent via email, March 30, 2026.
- Att-007.** [Cost to train one deputy. Provided by Ventura County Sheriff's Office.](#) Sent via email, May 10, 2025.
- Att-008.** [Number of deputies on Light Duty and Leave of Absences from work, as of February 2025. Provided by Ventura County Sheriff's Office.](#) Sent via email, May 10, 2025.
- Att-009.** [Presentation to the Sheriff, provided by Ventura County Risk Management/Workers' Compensation.](#) Sent via email, April 17, 2026.
- Att-010.** [Delaying approvals, Sedgwick Client Services Instructions.](#) Sent via email, March 30, 2026.
- Att-011.** [Department of Industrial Relations, Division of Workers' Compensation Medical Unit, Documents concerning claim,](#) received, November 20, 2025.
- Att-012.** [Time consuming process of setting up Workers' Compensation Board of Appeals hearings, Examiner Hot Sheet,](#) provided by Risk Management to Sedgwick, Sent via email, March 30, 2026.
- Att-013.** [Initial WC treatment times.](#) Presentation to the Sheriff, provided by Ventura County Risk Management/Workers' Compensation. Sent via email, April 17, 2026.
- Att-014.** [2025-26 Adopted Budget for Ventura County, Sheriff's Office Budget,](#) pages 170-175. Accessed May 10, 2026.