

A Letter to Congresswoman Hooley

Honorable Congresswoman Hooley,

My name is Edward "Ed" M. Johnston II. You have some familiarity with the problems I face as you assisted in obtaining Social Security benefits for me in 2003-04. I am writing after speaking, over the last three weeks, with one of your staff. The gentleman asked me to forward information to allow you to monitor my case with Liberty Northwest and Workmen's Compensation. After reading my introductory letter I respectfully request a complete review by your offices.

To refresh your memory I was injured while working November 4th, 1989 and re-injured July 28, 2001, again at work. My health and well being continues to deteriorate while I struggle through the bureaucratic red tape, specious accusations, harassment and failures to act with common decency.

By continually denying and otherwise stonewalling my rightful benefits, Workmen's Compensation and Liberty Mutual have placed my life at greater risk than when I was initially injured November 4, 1989 and left me destitute.

Regardless of all the rhetoric from Liberty Northwest and Workmen's Compensation pictures are worth a thousand words in this instance x-rays, MRI's and reports. Please do demand findings take these into account.

Today I was told by the pharmacist coverage for my medications had been denied by Wellcare. The pharmacist was unable to tell me why the coverage was denied. I suspect this was due to the suspension of my Social Security. These prescriptions Dr. Cowan prescribed September 20, 2006 for heart medication (I've had three heart attacks), inhalers (for treatment of a lung problem), and pain pills (severe chronic pain from spinal & neck injury). In the sixteen years since my debilitating injury Workmen's Compensation, paid for only four years. Those related to the neck injury are the responsibility of Workmen's Compensation.

My food stamps have also been suspended, again I suspect due to the suspension of Social Security.

I spoke with Mr. Mitten, an investigator at the Social Security Disability Determination Center, as my Social Security benefit was suspended due to a complaint being filed. Mr. Mitten would not give information on the basis of this complaint alleging I had gainful employment. Do I not have the right to address my accusers or the incident(s) this denial is based upon. Until such time as a determination of validity takes place I believe my benefits should continue.

I feel I am being penalized due to Liberty Northwest's failures to comply with Board orders and Oregon State Administrative Rules which have thrown me into a (forgive me) bureaucratic mire of agencies.

The facts are; I have never received Worker's Compensation though the Board

directed Liberty Northwest to pay medical, prescriptions and compensation from 1990 to date. Social Security was granted in 2004. I have not received re-training to enable me to earn within the limits set by Social Security. Not even something part-time where I could work @ home when my pain tolerance would allow it. Liberty Northwest should be reprimanded and penalized for failure to act on the State's Workmen's Compensation order or ruling as the case may be. Liberty Northwest has foisted their responsibility onto the State and it's taxpayers. It wouldn't surprise me if employers questioned why they are required to pay worker's compensation insurance. Certainly there are abusers but I am not one of them. Denying honest injured workers the benefits employers pay is obviously not the reform employers were/are seeking.

Independent medical examiners stated I was medically stationary each time they have reviewed my case. These ME's characterized my injury as "strain". It would seem a conflict of interest that a doctor would review the same case for both Liberty Mutual and Workmen's Compensation, Characterizing my injury as "strain". Liberty Mutual's physician(s) did not have the MRI's, x-rays, and other medical reports upon which to base an accurate and just decision. Good Samaritan Hospital had provided Liberty Northwest Corporation with the MRI's, x-rays and other medical reports which they in turn did not provide to their own physician. Had he had this information his findings/determination would have probably been more in keeping with my own physician's findings. Because of this failure to produce needed information the physician(s) findings conflict with their own (Liberty Northwest) initial findings/determination of May 31, 1990 listing me as "totally" disabled due to the closed head injury and herniation in discs C4-5, C5-6 (fused in surgery March 3, 1998 & March 4, 2002, T-1 & T2, T-5 & T6, L5 thru S1, C2-3, C3-4 (in spinal cord), C4-5 (narrowing of spinal cord), C6-C7 (herniated in spinal cord). These injuries to my neck / spine resulted from the incident at the Pip Tide and exacerbated by the slip fall injury at the Georgie's Beach Side Grill due to the wet and oily cement floor. Workers Compensation wishes to address these discs as separate. For purposes of accessing penalties or damages to the employer's it might make sense. However, to me (the individual) there is only one spine. Each disc attaches to another and dependent on another. Dr. Hacker clearly indicated in his response to Liberty Northwest.

My physicians have provided Liberty Mutual and Workmen's Compensation on-going viewable documentation certifying the deteriorating condition that places me at risk of paralysis and death with as little as a wrong move or slip/fall.

Independent unbiased x-rays, MRI's and Drs. Gary Thousen, Burnsteen, Chippus Allen, Gilbert Lee, and Robert Hacker's and medical findings. The aforementioned physicians stand nothing to gain nor are they employed by or dependent upon either Liberty Mutual or Workers Compensation. The medical findings they have consistently presented have unfailing showed a deteriorating neck and spinal injury.

The questions sent to treating physicians are narrowed and structured to elicit the response the insurance company seeks rather than objective facts. When the insurance company is unhappy with the answer they restructure the question again to obtain the response they want. My physicians have answered time and again. What speaks volumes are the x-rays and MRI's which show unequivocally the damage sustained. Science has advanced to the degree to identify pain. Time to do away with ME's and depend upon accurate science. No more he said she said. Facts and truth prevail.

Obviously the common man is placed in a catch-22 when through failure to act, pay,

administer or follow-through no compensation, benefits and / or income provided to the injured worker. Liberty Northwest's failure to abide by the Workman's Compensation Board rulings each and every time, have left no options to provide for my basic living necessities i.e. food, clothing and shelter. Needless to say I am unable to pay medical fees, and/or purchase prescriptions, assistive living devices, have aid or household help.

My understanding of gainful employment is profitable. Through no fault of my own I am not gainfully employed. I remain unable to meet basic needs. Due to physical limitations and severe pain I am unable to work to earn. Due to the local economy employment I am able to do is limited still further.

Failures to have the "teeth" in decision or ruling to ensure expeditious compensation by the responsible party, be it an insurance agency or corporation, place ordinary people in an untenable position. The individual is then placed in a position of risking current and future compensation, penalties and possible action.

The materials I turned into the Workers Compensation Board (Oregon) are on my web site www.oregontrackers.com <<http://www.oregontrackers.com>>, if you would like to review it yourself. "Tim" of your office indicated this information was needed for review. Other information on the website is related to my personal believes only recently did I post my WC case to my site.

With all due respect I remain,

Edward "Ed" M. Johnston II

EJ:rrb

cc: United States Senator Ron Wydon
United States Senator Gordon Smith
Oregon State Senator Gary George
Oregon State Senator Joann Verger
Oregon State Senator Gordon Anderson
Oregon State Representative Allan Brown
Oregon State Representative Jeff Cropf