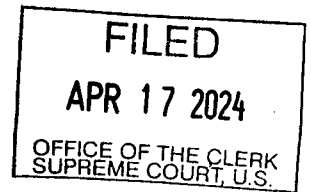


24 - 5081

No. \_\_\_\_\_



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IN THE SUPREME COURT OF THE UNITED STATES

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Larry Edward Webster jr,  
Petitioner

vs.

Industrial Claim Appeals Office of State of Colorado,  
& Czarnowski Display Service Company Inc.  
Trumbull Insurance Company  
Respondents

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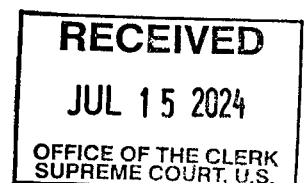
On Petition for a Writ of Certiorari  
From The Colorado Court of Appeals

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PETITION FOR A WRIT OF CERTIORARI

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Pro se,  
Larry Edward Webster Jr.  
437 N. 60<sup>th</sup> St.  
Waco, Texas 76710  
(254)-229-1358



I.

**QUESTION PRESENTED**

1. Whether 8-43-307, C.R.S. (1994 Supp) and 8-74-107, C.R.S. (1986 1994 Supp) and C.A.R. 46.4 and 46.7 unconstitutionally deny workers compensation parties access to the courts in violation of the United States Constitution amendment XIV and the Colorado Constitution, article 2, section 6 and 25?
2. Whether Court of Appeals and Supreme Court correctly interpreted C.A.R. 46.4 and 46.7 to limit Claimants right to a rehearing in light of C.A.R. 52 which provides that no "Writ of certiorari to the Supreme Court shall issue unless a petition for rehearing has been filed in the Court of Appeals"?
3. Whether the recodification of workers comp act of 1990 in repealing C.R.S. 8-53-119 and replacing it with 8-43-307 violated claimants rights to file an appeal by limiting his right to certiorari to the Court of Appeals of a ICAO decision while maintaining a review on the merits in unemployment cases decided by ICAO?
4. Whether the Colorado Appellate Rules 46 and 52 are internally conflicting and should be amended to provide for rehearing if certiorari is denied by the Court of Appeals?
5. Whether C.A.R. 46(a) belies the mandatory nature of article II, section 6. Review of a certiorari petition is not sufficient to satisfy the constitutional requirement of access to the courts which mandate review on the merits?
6. Whether the enactment of C.R.S. 8-74-107 that provide unemployment claimants with a constitutional procedure for judicial review on the merits violate workers compensation claimants constitutional rights to a constitutional procedure for a judicial review of a ICAO decision on the merits?
7. Whether the procedures for review in section 8-43-307 and 8-74-107 are unconstitutional and the rehearing provisions in the Colorado Appellate Rules are internally conflicting?
8. Whether section 8-43-307 violate his constitutional right to access to the state courts and the review and role of the ICAO in reviewing the ALJ decision provide for a reversal?
9. Whether Claimant has proven by clear and convincing evidence the DIME opinion was incorrect and Court of Appeals Rule 38 should apply?

**II.**

**10. Whether Claimant has proven entitlement to disability benefits by preponderance of the evidence and should be granted Defendants 7/3/2018. Motion for Specific Statement of Penalties from PALJ Barbo, 12/7/2017., 1/24/2018. and 5/22/2018. and PALJ Broniak 7/28/2018. Court orders and Permanent total Disability, Malpractice, Negligence, Bad Faith Unfair Dealing. Acceptance and Surrender, \$170,000,000. and attorney fees to cure said wrongdoing?**

**11. Whether as a result of the guarantee of access to the courts, parties are constitutionally entitled to judicial review of an administrative agency's decisions that affect their substantive statutory rights.?**

**LIST OF ALL PARTIES**

**All parties appear in the caption of the case cover page.**

**Related Cases Rule 40.2**

- 1. Larry E. Webser v. ICAO, and Czarnowski display service and Trumbull Insurance Company. Case. #18CA714.**
- 2. Larry E. Webster v. ICAO and Czarnowski display service & Trumbull Insurance Company. Case. #2020CA1529. Published: W.C. No. 5-009-761-007.**

### **III.**

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VI.  
IN THE  
U.S. SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Larry E Webster Jr, respectfully petitions the U.S Supreme Court for a writ of certiorari to review the judgment of the Colorado Court of Appeals.

OPINIONS BELOW

1. Colorado Supreme Court case. 2023SC714. Deny Certiorari. 2/26/2024. Appendix A. not published. 2. Colorado Supreme Court case. 2023SC714 Grant ext for Cert. Oct 3, 2023. Appendix B. 3. Colorado Supreme Court case. 2023SC714 Deny reh. March 19, 2024. case. 2022SC714 Appendix C. 4. Colorado Court of Appeals case. 2022CA2093 Deny reh Sept 7, 2023. Denied Appendix D. 5. Colorado Court of Appeals case. 2022CA2093 Deny Cert. August 3, 2023. Appendix E. 6. Colorado Industrial Claim Appeals office State of Colorado case. 5-009-761. Denied. March 8, 2023. Appendix F. 7. Denver Office of Administrative Courts. Case. 5-009-761. March 8, 2022. Denied Appendix G. 8. Colorado Supreme Court case. 2023SC714 Affirm . 2/29/2024. Appendix I.

JURISDICTION

The Jurisdiction of this Court is involved under 28 U.S.C 127(a)  
The date on which the Colorado Supreme Court decided my case. February 26, 2024. and the Colorado Court of Appeals Affirmed on February 26, 2024.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(28 U.S. Code 1651) Colo. R. Civ. P. 52. and Colo. Rev. Stat. 24-4-105(15)(b),7 C.R.S.(2001), C.A.R 46(a), C.A.R. 46.4, 46.7, C.A.R. 52, C.R.S. 8-43-307, C.R.S. 8-43-308, C.R.S. 8-43-304 and C.R.S. 8-41-203, C.R.S 8-42-105(3)(c), 8-42-107(8)(I), (II) and (A)-(E), 8-43-503, Articles 40 to 47 of the Workers Compensation (Act), and C.R.S. 8-41-104, C.R.S. 8-43-101, C.R.S. 8-43-203(2)(a), and United States Constitution amendment XIV and the Colorado Constitution article II, section 6 and 25 and 46(a) and C.A.R. 3.1(c). section 12-36-117(1)(p).

1.

## STATEMENT OF THE CASE

This is a employer and insurer fraud case where the Petitioner was mistreated by several doctors and also treated as if Czarnowski display service had no insurance.

Three hearings were held in this matter. The first hearing was over Permanent Medical Impairment Benefits with ALJ Cayce on 11/9/2017. The Petitioner was denied Permanent Medical Impairment Benefits. The Petitioner was only allowed to file an appeal with the Industrial Claim Appeals office of the State of Colorado.

And the Petitioner was denied a hearing from a judicial forum because Court of Appeals denied the Petitioners Writ of Certiorari and Request for rehearing case. #2018CA714. And Supreme Court denied the Petitioners Writ of Certiorari. Case. #2019SC148. On 3/2/2020. A hearing over Permanent Total Disability was held

with ALJ Felter, 3/2/2020. the ALJ ruled from the bench and referred preparation of a proposed decision to counsel for the respondents, which was filed

electronically, on March 10, 2020. Claimant filed a proposed decision that would

flip the 'outcome' in Claimants favor on March 12, 2020. which the ALJ will consider as an objection to respondents proposal. The issue to be determined by this decision concerns whether the ALJ Felter should be disqualified according to

the Petitioners motion; whether the disability (PTD) benefits as a result of admitted industrial injuries he sustained during the course and scope of his employment with the Employer on March 9, 2016. Whether the Claimant is entitled to post maximum medical improvement (MMI) maintenance medical treatment. The Petitioner bears the burden of proof by a preponderance of the evidence. PALG Barbo, states he nor the ALJ has judicial authority to rule on a fraud cases and the Petitioners accrued and substantive rights are violated.

### A. C.R.S. 8-41-203 NEGLIGENCE OF A STRANGER:

1. The Petitioner states that the conflict with ALJ Cayce 11/9/2017. court order over Permanent Medical Impairment Benefits and ALJ Felter 3/2/2020. court order over Permanent Total disability is the fact that neither judge addressed who was the Petitioners authorized treating physician that can place the Petitioner back to work under C.R.S. 8-42-105(3)(c). and 2. Who was the Petitioners authorized treating physician under C.R.S. 8-42-107(8)(b)(i) states An authorized treating

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physician shall make a determination as to when the injured employee reaches maximum medical improvement as defined in section 8-40-201(11.5). and 8-42-107(II) states if either party disputes a determination by an authorized treating physician on the question of whether the injured worker has or has not reached maximum medical improvement an independent medical examiner may be selected in accordance with section 8-42-107.2 except that if the authorized treating physician has not determined that the Petitioner has reached maximum medical improvement the employer or insurer may only request the selection of an independent medical examiner if all of the following conditions are met: (A). At least twenty-four months has passed since date of injury 3/9/2016. (B). A party has requested in writing that an authorized treating physician determine whether the employee has reached maximum medical improvement and has provided the authorized treating physician with a written report required by subsection (8)(b)(II) (E). of this section. (C). The authorized treating physician has not determined that the employee has reached maximum medical improvement. (D). A physician other than the authorized treating physician has examined the Petitioner at least twenty months after the date of the injury and determined that the employee has reached maximum medical improvement. (E). The requesting party has provided the authorized treating physician and all other parties with a written report from the physician who has examined the employee pursuant to subsection (8)(b)(II)(D) of this section indicating that the examining physician has determined that the employee has reached maximum medical improvement and the authorized treating physician has responded in writing to all other parties to the employee has not reached maximum medical improvement or has failed to respond in writing to all parties within fifteen calendar days after the service of the written report. The Petitioner states that the Defendants violated those statutes and there process and procedures because on 9/7/2016. and dictated again on 9/15/2016. but documented on medical dated 8/22/2016. Dr. Wright, Documented: 9/2/2016. Based on recent communication with the people From Colorado, I am retracting the referrals for Neurology and Impairment 1, Rating 1,2 rating. On 9/15/2016. received a note from Dr. Solomon M.D. Neurology on 9/7/2016. His assessment states that patients low back pain may be related to S1 radiculopathy

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based on MRI scan and his intermittent foreign accent may be a possible traumatic brain injury. He recommends referral to pain management for further treatment of his low back pain. Assessment: 1. Sprain of ligaments of cervical spine. 2. Bilateral lumbar radiculopathy. 3. Abdominal pain. 4. Lumbar strain. 5. Strain of thoracic region. The Petitioner states ALJ Cayce and ALJ Felter provided great weight to Dr. Duren on 9/12/2016. medical report containing 3 minor injuries. 1. Knee Contusion 2. Wrist sprain 3. Lumbar strain and failed to assess Dr. Solomons 9/15/2016. Impairment rating. under C.R.S. 8-42-105(3)(c). and 8-42-107(8)(b)(I) and (II) and (A)-(E). and The Petitioners authorized treating physician Dr. Wright, never released him back to work and 20 and 24 months had not passed for Dr. Burris or Dr. Sacha to see the Petitioner which ALJ Tenrerio on 1/28/2022. failed to assess Dr. Murray on 9/12/2016. has a second medical file that mirror Dr. Solomons 9/7/2016. Impairment rating dictated on 9/15/2016. Documented on medical date 8/22/2016. containing 14 to 16 permanent injuries 1. abdominal pain 2. anxiety 3. bilateral lumbar radiculopathy 4. Knee contusion 5. dysarthria 6. lumbar strain 7. muscle spasms of back 8. parathesis/numbness 9. radiculopathy 10. rib pain 11. spondylolisthesis at L5-S1 12. sprain of ligaments of cervical spine 13. strain of thoracic region 14. testicular/scrotum 15. weakness of both lower extremities 16. wrist sprain. These permanent injuries mirror other specialist medical findings dated: 6/8/2016. 6/24/2016, and 7/2/2016 and 7/20/2016. and 7/26/2016. and 8/9/2016. The Petitioner states that ALJ Cayce on 11/9/2017. and ALJ Felter, on 3/2/2020. both provided great weight to Dr. Murray Duren but did not assess the fact that Dr. Murray has 2 separate medical files with different medical findings and [2] separate vocational reports that conflict with Dr. Burris 10/21/2016. MMI report and Dr. Sacha 4/17/2017. DIME report which ALJ Tenrerio, on 1/28/2022. failed to assess and who was the Petitioners authorized treating physician that can place him back to work and the [5] medical dates the Defendants represented when representing Dr. Burris and Dr. Sacha both Fraudulently represent [5] medical dates. 1. 5/3/2016 performed by Dr. Rauzzino who stated 'There is no simple surgery we will do for his low back. C.R.S. 8-43-305. A. Dr. Burris and Dr. Sacha Documented on 5/3/2016. Dr. Rauzzino stated the Petitioner was not a surgical candidate and denied him a surgery for 8

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years. 2. on 5/31/2016. Dr. Smith, Providence ER Documented: odd presentation: on more thorough neuro exam it appears the left side of the patients soft palate is not elevating symmetrically this may represent a cranial nerve deficit secondary to occult stroke and pars defect fracture and abdominal 1.3 and 0.9. A. The Defendants documented 5/31/2016. as a normal exam. 3. on 6/9/2016. Dr. Rauzzino Documented: Disc degeneration C6-C7 with broad based central disc bulge and left foraminal bulge and canal and mild to moderate left foraminal stenosis. And C4-C5 disc degeneration with focal central left paracentral protrusion causing mild canal stenosis and C2-C3 mild broad based disc bulge very mild canal stenosis and C3-C4 and C4-C5 minimal broad based disc bulges. And the Defendants documented normal exams. And Thoracic Spine Dr. Rauzzino Documented: T7,T9,T10 mild broad based disc bulge and right focal paracentral protrusion. And the Defendants Documented: normal exams. 4. on 7/28/2018. Dr. Cooper Documented: Multilevel small vertebral body osteophytes are seen. Mild lower thoracic spondylosis is visualized. Left S1 joint osteoarthritis is present. Impression: L5 pars defect with grade 1 anterolisthesis of L5 on S1. The Defendants documented normal exams. 5. on 9/12/2016. Dr. Murray Duren Documented: 1. Contusion of the knee 2. Wrist sprain 3. Lumbar sprain. Defendants withheld medical information of a second medical file which the Texas Social Security Administration provided me with 14 to 16 permanent injuries and this evidence was not available during the petitioner hearing that conflict with ALJ Cayce on 11/9/2017. but was present on 3/2/2020. and Conflicts with ALJ Felters, court order because he allowed Paul Feld to write his court order leaving out permanent injuries and new medical evidence of [2] separate vocational reports with different medical findings that conflict with Dr. Burris and Dr. Sacha medical reports and ALJ Tenrerio, court orders which all 3 Judges purposely failed to address the conflict in the record the CT brain scan findings of seizures and strokes and cervical and thoracic spine that conflict with Dr. Burris and Dr. Sacha medical reports because the Defendants failed to use the complete medical file and that's why ALJ Cayce 11/9/2017. and ALJ Felter 3/2/2020. court orders contain many harmful errors that changed the outcome of his case because the 3 ALJ's provided great weight to those physicians in their reason for

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denying the Petitioner Disability benefits. And this New Medical Evidence Can not be found in court of appeals case. #2018CA714 or Supreme Court case. #2019SC148. the new medical information can be found in Court of Appeals case. #2020CA1529. or Supreme Court case. #2021SC294. I was denied a hearing from a judicial forum and the judges had no judicial authority.

B. U.S. Federal and State Cases, Codes and Articles. Colorado Revised Statutes Title 8. Labor and Industry 8-43-303 Reopen: (1) At any time within six years after the date of injury, the director or an administrative judge may, after notice to all parties, review and reopen any award on the ground of fraud, an overpayment involving the circumstances described in section 8-42-113.5, an error, a mistake, or a change or worsen condition, and fraud, except for those settlements entered into pursuant to section 8-43-204 in which the claimant waived all rights to reopen an award; but a settlement may be reopened at any time on the ground of fraud or mutual mistake of material fact. The Petitioner states that ALJ Cayce 11/9/2017. has over 30 harmful clerical errors and Court of Appeals could have altered the ALJ Court order Under. C.R.S. 8-43-308, States that Upon hearing the action the court of appeals may affirm or set aside such order upon the following grounds. A. That the findings of fact are not sufficient to permit appellate review.

B. That conflicts in the evidence are not resolved in the record. C. That the findings of fact are not supported by the evidence. D. That the findings of fact do not support the order. E. That the award or denial of benefits is not supported by applicable law. If the findings of fact entered by the administrative judge or director are supported by substantial evidence, they shall not be altered by the court of appeals. On 1/29/2022. A hearing for Reopen under C.R.S. 8-43-303 was held and ALJ Tenrerio, failed to address 1. who was the Petitioners authorized treating physician that can release him back to work under C.R.S. 8-42-105(3)(c) and 2. 8-42-107(8)(b)(I) and 3. (II) and 4. (A), 5. (B), 6. (C), 7.(D), and 8. (E)? 9. The Petitioner states the Defendants violated the MMI and DIME process because his authorized treating physician Dr. Wright, never released the Petitioner back to work. 5. The Question Whether the Petitioner overcame the DIME. Dr. Sacha, was contacted and asked to review his left side and those injuries would not be

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work related, but the Petitioner fell on his left side hitting his head and chest Dr.

Sacha failed to document. 1. Personality disorder 2. Cervical complaints 3.

Shoulder complains 4. Brain and shakiness complaints 5 Knee complaints. Dr.

Sacha failed to use the Petitioner complete medical file and failed to address CT brain scan findings of seizures, stroke, Anxiety, dystharia, and depression and Dr. Frensley psychological report of foreign accent syndrome that comes from head trauma or a stroke and the Petitioner had both. Dr. Sacha stated low back was work related and provided 7% Wholeperson Impairment and 1% psychological issues and Recommended: Maintenance Medical Care for 6-12 months with Gym and Pool therapist and Paxil medication for 6 months for psychological issues.

C. FOLLOW UP DIME 8-42-107(8)(A) States If either party disputes a determination by an authorized treating physician on the question of whether the employee is or is not at maximum medical improvement, an Independent medical examiner may be selected if the following conditions are met: (A) At least twenty four months have passed since the date of injury. 3/9/2016. On 10/24/2018. The Defendants based on Dr. Sacha DIME, even though it should be stricken because the Defendants violated the MMI and DIME process and procedure, recommended more treatment and the Defendants referred him to Injury1 of Waco Texas Dr. Gist, who stated Dr. Sacha, should have not released him back to work and during that time the Defendants denied the Petitioner Maintenance Medical Care for 18 months and his condition continued to change and become a worsen condition do to the Defendants negligence and Dr. Gist, treated him for 6 months documenting the Petitioners voice had changed do to a electronics hoc device burning at the Pad placement and documented Low back and psychiatric issues were work Related and compensable injury and Documented PTSD, left side brain pain, voice change speaks with Jamaican accent, Co neck, upper back, lower back pain behavioral medication, poor sleep, depression, stays in home 99% of the time isolated afraid of becoming paralyzed. On 3/14/2019. Dr. Lindsey Kidd Documented: Individual psychotherapy treatment reassessment/discharge summary 6 of 6 sessions and current medications: fluoxetine hydrochloride, ibuprofen, Lyrica, Meloxicam. Accepted Compensable injury: low back,

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psychological issues. Limited to coping skills. Work related injury: 3/9/2016. Patient continued working until 3/31/2016 when his doctor took him off work. Summary of gains made: patient slightly improved. Minimal improved functionality has created a stronger sense of confidence which has contributed to some reduction in negative psychological symptoms. Patient reports he feels less anxious and depressed currently Patient has implemented some coping mechanisms including increased ADL. socialization, and problem solving. Patient appears to have plateaued with the current treatment and is recommended for discharge from IPT with consideration being given to him accessing a "Higher Level of Care". Failing to assess Dr. Cava, Dr. Rauzzino, Dr. Smith, Dr. Solomon, and Dr. Susan Frensleys CT brain scan findings and similarity, for Foreign Accent Syndrome

A. Negligence of A Stranger 1, C.R.S. 8-41-203.

B. 1. U.S. Federal and State Cases, Codes and Articles. Colorado Revised Statutes Title 8. Labor and Industry 8-43-303 Reopen: (1) At any time within six years and. C. FOLLOW UP DIME: C.R.S. 8-42-107(8)(b)(I) and (II). And (A)-(E).

D. U.S. Federal and State Case, codes and Articles. Colorado Revised Statutes Title 8. Labor and Industry 8-43-304. Fraud: and On 1/11/2024. The Petitioner's authorized treating physician, Dr. Siovhon R. Grant referred the Petitioner to Neurologist. Dr. Davuluri, Bala Assessment: 1). Generalized anxiety disorder with panic attacks and depression. 2). Foreign Accent Syndrome that is probably part of 1. 3). Chronic insomnia and chronic fatigue. 4. Lumbar and cervical spondylosis and chronic pain Plan: 1. The problem with anxiety and depression and the management strategies are reviewed with the patient. 2. Referral to Psychiatry for anxiety, depression and panic attacks. 3. Start Celexa 10 mg daily and Seroquel 50 mg at bedtime for anxiety, depression, insomnia, pending psychiatry evaluation. The dose of Celexa will be increased to 20 mg in 1 week, if tolerated. The dose of Seroquel will be increased as needed. 4. Physical therapy for back pain and neck pain. 5. Follow up with spine surgery and pain management for lumbar and cervical spondylosis. 6. Return visit in 6 months for evaluation. He is encouraged to call earlier for any questions or concerns. and commented: The Petitioner

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states this is causation showing these injuries are connected to his work injuries.

Larry E. Webster 55 year old right hand man whose medical history includes anxiety, depression, work related injury to spine, chronic pain, coronary artery disease and foreign accent syndrome. He suffered a work related injury March 9, 2016. He had trauma to the spine as well as face and head since the trauma, he has been experiencing multiple symptoms and difficulties. 1. He has pain in his lower back that spreads across the abdomen into lower chest. The pain also radiates down into bilateral lower extremities. He also has some chronic pain in his neck that radiates down into the left lower extremity. He has tingling and numbness in his left fingers. He has pain in his face. He was seen by Dr. Auckley in spine surgery recently. MRI lumbar study done in December 7, 2023. revealed multilevel degenerative disc disease. Most marked at L3-L4 level but without any high grade spinal or foraminal stenosis. The Petitioner states these are work related injuries the Defendants failed to admit liability to on 3/31/2016. and 4/26/2016. and 5/3/2016. and I'm being treated for today as of 4/16/2024. and I have suffered mentally and physically for years do to the Defendants negligence.

And this New Medical Evidence Proves beyond a reasonable doubt that the Petitioner's workers compensation injuries condition continues to 'change to a worsen condition on the grounds of "a change or worsen condition', or a mutual mistake, or error, fraud". C.R.S. 8-43-303. and 8-43-304(1). On 5/3/2016. The Petitioner's authorized treating physician Dr. Cava, Documented: The Petitioner presents to Concentra Care for physical therapy but he states it makes his symptoms worse, and Dr. Rauzzino, M.D. Neurologist stated his symptoms are vague and spreading. Assessment: 1. Strain of thoracic region 2. Lumbar radiculopathy 3. Anxiety reaction, is also the plan. Psychology Referral: Comment: Anxiety, depression due to work related injury: Bilateral Lumbar; radiculopathy, Lumbar strain, Muscle Spasms of the back, Strain of thoracic region, Weakness of both lower extremities. Recommend: Pain Management. On 9/7/2016. Dr. Solomon M.D. Neurologist Documented: Traumatic brain injury foreign accent syndrome and Bilateral lumbar radiculopathy at L5-S1. And Recommended Pain Management. On the Petitioner on 6/27/2017. Dr. Jessie Clover. The Petitioner's

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authorized treating physician Documented: Bilateral lumbar radiculopathy at L5-S1 7-8 mm and Recommended: Pain Management. And on 11/15/2017. Dr. Calvin Bradley documented: Bilateral Lumbar radiculopathy at. L5-S1. 9 mm pars defect fracture, showing a worsen or change in condition from the Petitioners 7/28/2016. Dr. Cooper's bilateral lumbar L5-S1 7-8 mm pars defect fracture that mirrored Dr. Counts 3/31/2016. MRI lumbar spine finding, also dictated again on 4/8/2016. Dr. Bradley stated on 11/15/2017. that he was unsure to permanent total disability and recommended: work restrictions sitting 4 hours keyboarding when Dr. Counts recommended 80% sitting and on 12/7/2023. The Petitioners authorized treating physician Dr. Grant, had a MRI performed on my Lumbar spine that is being compared to medical date 11/15/2017. Documented: L5-S1 spondylolysis and spondylolisthesis with foramen. Tear in the midline annular fibers at L4-L5 with a minimal disc protrusion and Facet arthritis does result in foramen stenosis. And Bilateral facet arthritis and disc bulge result in spinal and foraminal stenosis at L3-L4. that should now be considered to be Permanent Total Disability based on the 12/7/2023. MRI findings. Which the court order dated. 12/7/2017. should now be assessed as the finding of Fact and Conclusion of Law that the Petitioner by clear and convincing evidence overcame the DIME by substantial evidence in the record and Negligence of a stranger C.R.S. 8-41-203. should apply. On 10/8/2018. the Petitioner would continue showing medical evidence of Defendants negligence again presented to Baylor Scott & White for abdominal and chest pain that are work related injuries both documented on 3/14/2016. and 3/25/2016. and Documented: Small focal area of nodular infiltrate versus pulmonary nodule measuring 0.9 by 1.2 which was sustained do to the trip and fall work accident. And Dr. Brunn, Social security psychological therapist on 8/13/2018. stated the Petitioner would be limited in work. On 4/5/2019. The Petitioner presented to Chiropractic and Dr. Trunell Documented: Patient pain and discomfort in the back of the neck, upper back, lower back, side of the right hand, back of the left hand, left hamstring, right hamstring, right calf, left calf, left shoulder, right shoulder, buttocks, bottom of the right foot, and bottom of the left foot. Assessment: corrective care, decrease swelling and

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inflammation, decrease segmental dysfunction, decrease muscle spasms, and decrease nociception. Plan. Diversified chiropractic therapy and on 4/22/2019. Dr. Trunell, Documented a worsen and change in condition. AP and Lateral view sand impressions postural changes Sacroiliac arthrosis Spondylolytic spondylolisthesis of L5. 15%. Spondylosis to varying degrees throughout. Thoracic Spine: Impression: postural changes, Spondylosis in the lower thoracic region. On 10/5/2020. The Petitioner presented to Chiropractic care and Documented: Cervical Spine: C1-C2, C4-C5 C5-C6 and C6-C7 and Thoracic spine: T2-3, T3-T4, T4-T5, and T6. And Lumbar Spine: L1-L2, L5-S1 Spondylolisthesis and on 4/29/2023. Documented: Cervical Spine: C1-C2, C3-C4, C4-C5, C6-C7, and Thoracic Spine: T1-T2 T3-T4, T4-T5, and Lumbar Spine: L1-L2, L4-L5, L5-S1. The Petitioner states the Cervical Spine finding is very similar to medical date. 7/30/2018. Baylor Scott & White ER, that also mirrors Dr. Rauzzino's 6/9/2016. MRI exam of Petitioners Cervical and Thoracic Spine showing a worsen and change in condition. On 12/7/2017. PALJ Barbo, stated after receiving the Petitioners Penalty request and the respondents position statement in regards to those Penalties and the ALJ Cayce 11/9/2017. Court order, the Petitioner could file penalties for C.R.S. 8-43-304(1) The Defendants violated this order for failing to provide a video and complete medical file and there motion for specific statement of Penalties on 7/3/2018. is cited for medical dates 3/31/2016. C.R.S. 8-43-203(2)(b)(1) and medical date. 4/26/2016. C.R.S. 8-43-203(2)(b)(1)., C.R.S. 8-43-101, 8-43-203(2) (a), and 8-43-304(4). and 8-43-305 because the Defendants failed to report and compensate for those permanent injuries in the time frame allowed. On 3/14/2016. Concentra Care documented: Abdomenall torn laterally on both sides, and L5-S1 pars defect fracture. and on 7/27/2018. PALJ Broniak, stated on 5/22/2016. the Petitioner could file penalties for 3/31/2016. and 4/26/2016. which is showing negligence from Dr. Counts on 3/31/2016. and 6/8/2016, and Dr. Rauzzino on 5/3/2016. and Dr. Cava, on 3/14/016. 3/25/2016, 4/5/2016, 4/12/2016. 4/26/2016, and 5/24/2016 to 5/31/2016. and C.R.S. 8-43-305 each day a seperate offense should be asserted. and C.R.S. 8-43-203(b) for failing to provide medical care for work related injuries or occupational disease. And C.R.S.

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8-43-203(iii) for interference with the Petitioners authorized treating physician Dr. Kathryn Wright, referred him to medical dates. 1. 5/3/2016. 2. 5/31/2016. 3. 6/9/2016. 4. 7/28/2016., 5. 9/12/2016. and Dr. Burris and Dr. Sacha, dictated and minimized permanent injuries on those medical dates and providing a 0% and 8% wholeperson impairment rating and released back to work. C.R.S. 8-41-104 should apply. And Court of appeals Rule 38 should apply, The Defendants violated C.R.S. 8-43-503(3) for contacting 1. Dr. Wright on 8/22/2016. and 2. Dr. Sacha on 4/17/2017. 3. For attorney Tama Levine, on 9/7/2017. and staff Brittney Bratton, Kelly Cherf, Stacy Reber, and the Petitioners prior attorney Joseph Merkel, that removed himself because I would not take a \$25,000 settlement. Referred the Petitioner back to Concentra Waco Tx representing Dr. Murray Duren 9/12/2016. medical document that contained 3 minor injuries. 1. Lumbar Strain. 2. Contusion of left knee. 3. and Dr. Burris 10/21/2016. medical report. On 11/9/2018. Paul Feld violated C.R.S. 8-43-503(3) for contacting Dr. Gist representing Dr. Burris and Dr. Sacha medical report and ALJ Cayce 11/9/2017. court order and on 2/27/2019. Paul Feld again contacted Dr. Kalra of injury1 of Waco Tx representing Dr. Burris and Dr. Sach and ALJ Cayce 11/9/2017. court order knowing there false to further the Defendants fraudulent misrepresentation of medical documents of Dr. Burris and Dr. Sacha and the Petitioner stated a claim and seek such wrong doing Negligence Malpractice, Bad Faith Unfair dealings, Permanent Total Disability and attorney fees and \$170,000,000. Dollars.

E. CERTIORARI TO REVIEW C.R.S. 8-43-307, In this employer and Insurer Fraud case the the Defendants referred the Petitioner to Dr. Sacha for DIME that should be stricken onder C.R.S. 8-42-105(3)(c) and 8-42-107(8)(b)(I) and (II) and (A)-(E) and he recommended Maintenance medical care for work related injured on 4/17/2017. and on 10/24/2018. The Defendants referred the Petitioner to Dr. Gist of Injury1 of Waco who stated the Petitioner was not at MMI and Dr. Sacha, should have not released me to MMI and treated me for 6 months and the Defendants failed to admit to those workers compensation compensable injuries for low back and psych issues but the report was minimized do to the attorney Paul feld violating C.R.S. 8-43-503(3) contacting the physicianson 11/9/2018, and

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2/28/2019. representing Dr. Burris and Dr. Sacha false medical reports and the ALJ Cayce 11/9/2017. court order with over 30 harmful clerical errors and PAL Barbo, on 5/22/2018. stated that himself nor the administrative law judge has judicial authority to rule on the Petitioners case even if I could prove the merits of my claim, Which the Defendants failed to report my permanent injuries to the division of workers compensation and I had to endure the administrative process for over 6 ½ years. The Petitioner has been denied a hearing by a judicial forum because C.A.R. 46(a) belies the mandatory nature of article II, section 6. that states Certiorari to Court of Appeals is not a review on the Merits. The Petitioner states in 1994, the Colorado Supreme Court stated that C.R.S. 8-43-307 denies workers compensation due process and equal protection of the laws guaranteed by the United States and Colorado Constitution. The Colorado Supreme Court held that Certiorari review by the Court of Appeals and the Petitioner states, and the Colorado Supreme Court Unconstitutionally denies him and injured workers access to the Courts and Colorado Supreme Court stated. in Allison v. ICAO 884 P.2d 1113 (1994). in construing section 8-43-307 3B C.R.S. (1994 Supp.) it limited the review of a workers compensation case decided by the Industrial Claim Appeals Office to Certiorari Administrative review of workers compensation cases and unemployment compensation cases is conducted by the ICAO which is heard under the merits of the unemployment claim but the workers compensation claimants are denied by a judicial forum by the merits when denied certiorari to Court of Appeals. The only judicial review of awards for workers compensation and unemployment compensation case conducted by the ICAO is in the Court of Appeals. The Petitioner states after the initial adjudicating of his claim for C.R.S. 8-43-303 Reopen, and C.R.S. 8-43-304 fraud Before a hearing officer the Petitioner was only granted an appeal to Industrial claim Appeals Office. following the administrative hearing the Petitioner was not allowed a determination from a Judicial forum on the merits. The Petitioner filed a Appeal to Colorado Court of Appeals and was denied Certiorari. Case.#2023CA2093. And the Petition for rehearing was denied. And the Petitioner filed Certiorari to the Colorado Supreme Court and was denied Case. #2023SC714. And Court of Appeals Office Affirmed.

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The Petitioner states that a Petition for Certiorari to the Court of Appeals will be granted only if one or more of the following grounds is present. Under C.R.S. 8-43-308. Reasons For Setting aside a Award. The Petitioner states. ALJ Cayce, 11/9/2017. Court order contains over 30 harmful errors because the ALJ's provided great weight to Dr. Burris and Dr. Sacha medical reports, which the Petitioner was never suppose to see neither physician under C.R.S 8-42-105(3)(c). and C.R.S. 8-42-107(8)(b)(I) and (II) and (A)-(E) which 20 and 24 months must pass before I am seen by either physician and the Defendants intentionally violated those statues which ALJ Tenrerio on 1/24/2022. court order stated I was right by Law and the new medical evidence conflict with both physicians and the judges that gave great weight to in denying the Petitioner disability benefits that has not been heard by a judicial forum and Certiorari does not constitute judicial review on the merits. The Industrial Claim Appeals Office role and review of the ALJ causes for Reversal. C.R.S. 8-43-307.

#### Reason For Granting The Petition For Certiorari

This case before you has national significance, and might harmonize a conflicting decision in the Colorado Supreme Court case Allison v. Industrial claim Appeals Office, 884 P.2d 1113 (Colo. 1994) issuing an opinion to the Colorado Court of Appeals that C.R.S. 8-43-307 denies workers compensation claimants access to the state courts and analysis of the current process for workers compensation review and the role of the Industrial Claim Appeals Office of the State of Colorado, (ICAO) in reviewing the decision of the Administrative Law Judge (ALJ) provides the foundation for reversal. And C.R.S. 8-43-307 and 8-74-107 and C.A.R. 46.4 and 46.7 unconstitutionally deny workers compensation parties access to the courts and the rehearing provisions in the Colorado Appellate Rules are internally conflicting in violation of the United States Constitution Amendment XIV and the Colorado Constitution, Article 2, Section 6, and 25. and C.A.R. 46(a) belies the mandatory nature of article II, section 6. Review of a Certiorari Petition is not sufficient to satisfy the Constitutional requirement of access to the courts which mandates review on the Merits. The U.S Supreme Court faces a question of importance Did the Colorado court of Appeals and the Colorado Supreme Court

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correctly interpret C.A.R. 46.4 and 46.7 to limit claimants right to a rehearing in light of C.A.R. 52 which provides that no 'Writ of Certiorari' to the Supreme Court shall issue unless a petition for rehearing has been filed in the Court of Appeals. The Petition should be granted because this is an employer and insurer fraud case effecting my substantive and Constitutional rights and I have not been heard by a judicial forum on the merits and on 5/22/2018, PALJ Barbo, stated after receiving the Petitioners penalty request and defendants motion for specific statement of alleged penalties and the ALJ Cayce 11/9/2017. court order the Petitioner could file penalties for C.R.S. 8-43-203(2)(b)(1) for medical dates 3/31/2016. and 4/26/2016. and C.R.S. 8-43-203(b) and C.R.S. 8-43-203(iii) which are all of negligence of a stranger C.R.S. 8-41-203 for Dr. Burris and Dr. Sacha medical reports. PALJ Barbo stated on 5/22/2018. even if the Petitioner could prove employer and insurer fraud he nor the administrative judge has judicial authority to rule on the merits of my claim and the Petitioner in 2024 is still being treated for work related injuries with MRI exam findings but the exams could never explain the pain in my head, face, eyes and legs and hands im afraid to sleep because I have passed out on two occasions and Im afraid I won't wake up so I stay up much as possible and I have lost everything 8 years of not being compensated on a compensable work injury and should be granted Permanent Total Disability, Negligence, Malpractice, Bad Faith, \$170,000,000 and attorney fees.

**CONCLUSION:**

For the Foregoing Reasons mentioned in this Certiorari the Pro Se, Petitioner respectfully request that Certiorari to Review be Granted.

S/A Pro se

Larry Edward Webster Jr,  
437 N. 60<sup>th</sup> Street  
Waco, Texas 76710  
(254-229-1358)

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**PROOF OF SERVICE**

I. Larry Edward Webster Jr, do swear or declare that on this date, April 17, 2024. as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that partys counsel, and on every other person required to be served. An envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid. Commercial carrier for delivery within 3 calender days. The names and addresses of those served are as follows.

1. 1. Clerk of The U.S. Supreme Court of the United States  
Washington, D.C. 20543. X via U.S. Mail
2. Doug Stratton  
2629 Redwing suite. #300 X via U.S. Mail  
Ft. Collins, Co 80526
- 3 . Industrial Claim Appeals Office of the state of Colorado  
633 17<sup>th</sup> St. suite. #600 X via U.S. Mail  
Denver, Co 80202
4. Colorado Court of Appeals  
2 E. 14<sup>th</sup> Ave X via U.S Mail  
Denver, Co 80202
5. Solicitor General of the United States, Room #5614  
Department of Justice, 959 Pennsylvania Ave. N.W  
Washibgton D.C. 20530-0001. X via U.S. Mail

April 17, 2024.  
S/A Larry E. Webster Jr  
437 N. 60<sup>th</sup> St.  
Waco, Texas 76710  
254-229-1358