

WORKERS' COMPENSATION APPEALS BOARD

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MAR 07 1994

CASE NOS. LBO 0241161 and LBO 0238170

KENNITH L. PETERSON

SERGIO CAMARENA aka  
ESTRADA

vs. CAMBRO MANUFACTURING  
WORKERS' COMPENSATION  
AND INDEMNITY COMPANY

Workers' Compensation Judge:

LAWRENCE LOW

Date:

March 4, 1994

MARK LEVENTEN, Special appearance for Russell L. Glauber,  
Attorney for Applicant.

LAW OFFICES OF KENNITH L. PETERSON, by Kenneth L. Peterson,  
Attorney for Defendants.

EMPLOYMENT DEVELOPMENT DEPARTMENT, by T. Espino.  
NEUROLOGIC ORTHOPAEDIC, Lien Claimant, by Douglas Green.

JOINT OPINION AND DECISION OF WORKERS'  
COMPENSATION JUDGE

This matter was tried on January 11, 1994.

Applicant appeared; Applicant's attorney, Russell L. Glauber, by Mark Leventen appeared on behalf of applicant.

Defendants were represented by Kenneth L. Peterson.

Injury AOE/COE: Upon review of all the evidence herein, it is my opinion that applicant did not sustain an injury June 12, 1992 (LBO 0241161), or September 1, 1992 injury (LBO 0238170), while employed at defendant Cambro Manufacturing.

Applicant's personnel file and testimony of defense witnesses indicate that defendant Cambro Manufacturing was a structured organization with specific reporting requirements regarding job-related injuries, including monthly safety meetings which each employee was suppose to attend.

Applicant's deposition testimony is inconsistent with his testimony at trial. There is no question that an incident occurred June 12, 1992, but is is my opinion after review of all the evidence that he made a

"comp. case" out of the incident when management admonished him for his conduct on the job.

I find no temporary disability or permanent disability as a result of the June 12, 1992 incident.

Regarding his September 1, 1992 injury, I rely on the credible reports of Steven M. Reznick, M.D., dated January 25, 1993, and report of Francis Foo, M.D., August 24, 1992 findings, conflicting histories and lack of significant findings during examination in my finding of no permanent disability.

Parts of Body Injured: I find that there is no permanent disability to back, left hip, left leg or any other body parts.

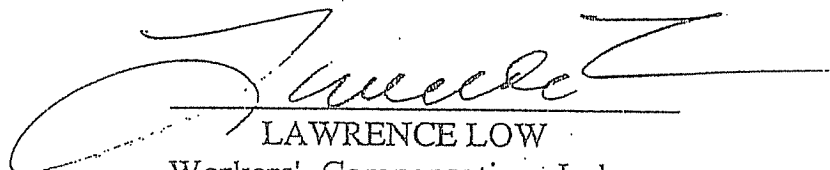
Temporary Disability: I find no temporary disability as a result of alleged injuries, June 12, 1992, and September 1, 1992, based on the June 25, 1993 report of Steve M. Reznick, M.D., and the medical reports of TLC Medical Group.

Permanent and Stationary Date; Permanent Disability: Per my findings above, I find applicant did not incur any permanent disability.

All other issues regarding apportionment, need for further medical treatment, liability for self-procured medical treatment, medical-legal expenses are moot.

Defendants' request for reimbursement is denied, in that, defendants have not made out any prima facie case showing entitlement to reimbursement.

Liens: Jurisdiction regarding the issue regarding liens is reserved.

  
LAWRENCE LOW  
Workers' Compensation Judge  
DIVISION OF WORKERS' COMPENSATION

LL/hs

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD  
CASE NOS. LBO 0241161 and LBO 0238170

SERGIO CAMARENA aka ESTRADA,

*Applicant*

v.

CAMBRO MANUFACTURING;  
WORKERS' COMPENSATION AND  
INDEMNITY COMPANY,

*Defendants.*

Joint Findings and Order RECEIVED

MAR 07 1994

KENNETH L. PETERSON

MARK LEVENTEN, Special appearance for Russell L. Glauber, Attorney for Applicant.  
LAW OFFICES OF KENNETH L. PETERSON, by Kenneth L. Peterson,  
Attorney for Defendants.

EMPLOYMENT DEVELOPMENT DEPARTMENT, by T. Espino.  
NEUROLOGIC ORTHOPAEDIC, Lien Claimant, by Douglas Green.

The above-entitled matter having been heard and regularly submitted,  
the Honorable LAWRENCE LOW, Workers' Compensation Judge, now makes his  
decision as follows:

JOINT FINDINGS OF FACT

1. SERGIO CAMARENA aka ESTRADA, born October 10, 1963, while employed as a mold set-up person, at Huntington Beach, California, on June 12, 1992 (LBO 0241161), or September 1, 1992 injury (LBO 0238170), by CAMBRO MANUFACTURING, did not sustain injury arising out of and occurring in the course of his employment to his back, left hip, left leg or any other body parts.

2. There is no temporary disability.

3. Applicant did not incur any permanent disability.

4. Issues regarding apportionment, need for further medical treatment, liability for self-procured medical treatment, and medical-legal expenses are moot.

5. All other issues have been rendered moot.

6. Defendants' request for reimbursement is denied.

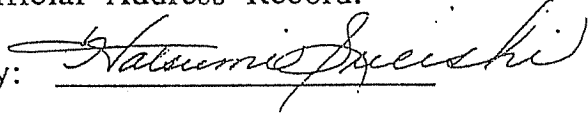
7. Jurisdiction is reserved on the issue of liens.

ORDER

IT IS ORDERED that applicant takes nothing herein.

Filed and Served by mail on: MAR 4 1994  
On all parties on the  
Official Address Record.

  
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LAWRENCE LOW  
WORKERS' COMPENSATION JUDGE

By:   
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