

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

K/SC

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APR 28 1994

KENNETH L. PETERSON

REBECCA HARNDEN

Case No. MON 155174

*Applicant,*

FINDINGS AND AWARD

vs.

PHILLIPS INDUSTRIES;  
GALLAGHER BASSETT SERVICES,

*Defendants.*

An application having been filed herein; all parties having appeared and the matter having been regularly submitted, the Honorable JEROME E. BULAVSKY, Workers' Compensation Judge, finds, awards, and orders as follows:

FINDINGS OF FACT

1. The applicant, Rebecca Harnden, while employed by Phillips Industries from October 1, 1991 to June 30, 1992 did not sustain an injury arising out of and occurring in the course of employment.
2. Applicant reasonably and necessarily incurred medical-legal expenses for examinations and reports to prove a contested case in amounts to be paid or adjusted by the parties or otherwise set for hearing before this Workers' Compensation Appeals Board.

AWARD

AWARD IS MADE in favor of Rebecca Harnden against Phillips Industries; Gallagher Bassett Services of medical-legal costs in accordance with Finding #2 above.

ORDER

IT IS ORDERED that applicant take nothing further by reason of the claim herein.

Dated 3-26-94

*Jerome E. Bulavsky*  
JEROME E. BULAVSKY  
Workers' Compensation Judge

Served on all parties listed on the  
Official Address Record

*ka*

CASE NUMBER: MON 155174

REBECCA HARNDEN

VS.

PHILLIPS INDUSTRIES;  
GALLAGHER BASSETT  
SERVICES,

JUDGE:

JEROME E. BULAVSKY

DATE OF INJURY:

10/1/91 - 6/30/92

### OPINION ON DECISION

The applicant, Rebecca Harnden, while employed as a Purchasing Agent by Phillips Industries during the period from October 1, 1991 to June 30, 1992 claims to have sustained injury arising out of and in the course of employment to the psyche and internal organs.

The applicant testified at time of trial that she felt that she was not treated equally at Phillips Industries and that the environment there was hostile and sexist. She sensed feelings of hostility from the other managers which she believes was because she was the only woman manager. Applicant asserts that this mistreatment caused internal and emotional problems which continue to this day.

The defense witness, Phillip Rue denied any sexual discrimination or hostile environment at Phillips Industries. He asserts that applicant's problems at work were caused by her inability to preform her job satisfactorily.

A second defense witness, Brenda Fuquay, replaced the applicant after the applicant left Phillips Industries. The witness denied any hostile environment or sexual discrimination at Phillips industries. The witness also described specific problems that arose at work because the applicant was unable to do her job efficiently.

Upon review of the testimony at trial in addition to the entire medical record, it is concluded that the applicant did not sustain any industrial injury while employed at Phillip Industries. Of all testimony received at trial, the Workers' Compensation

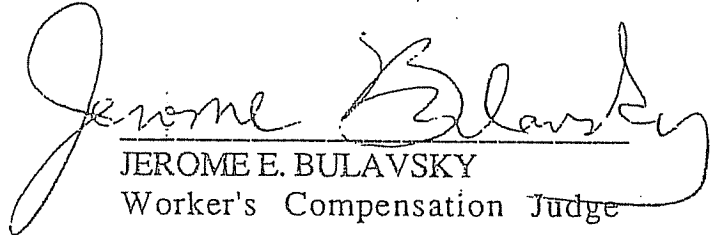
Judge found most persuasive and credible the testimony of defense witness Brenda Fuquay. In addition to testimony noted above by this witness, Ms. Fuquay also recalled applicant's personal problems which appeared to affect applicant's ability to do her job. This witness recalled applicant's problems with punctuality and tardiness. The witness further stated that applicant just did not appear to care enough about her job.

The Workers' Compensation Judge also finds more thorough and credible the psychiatric evaluations and reports of defense psychiatrist, Dr. Sherry Mendelson. In her reports dated September 23, 1992 and November 23, 1992, Dr. Mendelson finds no evidence of any industrially based psychiatric injury.

Therefore, it is concluded that the applicant did not sustain any industrial injury while employed by Phillips Industries during the period from October 1, 1991 to June 30, 1992.

The applicant reasonably and necessarily incurred expenses for medical-legal examinations and reports to prove a contested case in amounts to be paid or adjusted by the parties with jurisdiction reserved by this Workers' Compensation Appeals Board.

Dated \_\_\_\_\_

  
JEROME E. BULAVSKY  
Worker's Compensation Judge

Served on the above date  
on all parties listed on the  
Official Address Record.

By: \_\_\_\_\_