

STATE OF CALIFORNIA  
DIVISION OF WORKERS' COMPENSATION

1560  
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DEC 30 1992  
KENNITH L. PETERSON

JESSE VEGA JUAREZ,

*Applicant,*

vs.

I.T. CORPORATION;  
NATIONAL UNION FIRE INSURANCE  
*Defendants.*

Case No. LBO 228734

FINDINGS AND AWARD

Fred Borough, by Rosa Garcia, attorney(s) for applicant.

Kennith Peterson, attorney for defendant.

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

FINDINGS OF FACT

1. Jesse Vega Juarez, born December 24, 1968, while employed as a hazardous waste cleaner (Group 1) at Wilmington, California, on October 18, 1990 by I.T. Corporation, then insured as to workers' compensation liability by National Union Fire Insurance, sustained injury arising out of and occurring in the course of his employment to his left fourth and fifth toes.
2. Applicant did not sustain injury arising out of and occurring in the course of his employment to his psyche, low back, gastrointestinal system with resulting headaches.
3. Applicant's earnings at the time of injury were \$292. per week.
4. This injury caused temporary disability beginning October 19, 1990 to and including January 14, 1991, entitling applicant to temporary disability indemnity at the rate of \$194.67 per week, less credit for all sums paid.
5. Disability herein was wholly caused by this injury.

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6. This injury caused permanent disability of 3.75 per cent, entitling applicant to 11.25 weeks of disability indemnity at the rate of \$140.00, in the total sum of \$1,575.00, commencing January 18, 1991.

7. Applicant may require further medical treatment to cure or relieve from the effects of this injury.

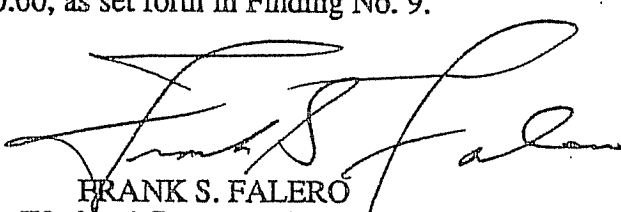
8. Defendants to adjust and/or pay all self-procured medical treatment, medical-legal costs and liens of record with jurisdiction reserved by the Board.

9. The reasonable value of the services of applicant's attorney \$200.00, payable to Fred Borough.

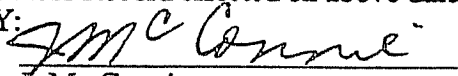
A W A R D

AWARD IS MADE in favor of JESSE VEGA JUAREZ, against NATIONAL UNION FIRE INSURANCE of temporary disability indemnity, as set forth in Finding No. 4; together with permanent disability indemnity, as set forth in Finding No. 6; together with further medical treatment, as set forth in Finding No.7; together with reimbursement of self-procured medical treatment, payment of medical-legal cost and liens, as set forth in Finding No.8; and less the sum of \$200.00, as set forth in Finding No. 9.

DATED: DEC 29 1992

  
FRANK S. FALERO  
Workers' Compensation Judge

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BY:   
J. Mc Connie

JUAREZ, JESSE  
LBO 228734

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JESSE VEGA JUAREZ

- vs -

I.T. CORPORATION; NATIONAL UNION  
FIRE INSURANCE

WORKERS' COMPENSATION JUDGE:

FRANK S. FALERO

DATED: DEC 29 1992

OPINION ON DECISION

This matter came to trial on October 19, 1992, at which time testimony was heard orally and by way of deposition. Reports and records were identified as exhibits and admitted into evidence.

PARTS OF BODY INJURED:

Parties admit that applicant did sustain an industrial injury on October 18, 1990 resulting in disability to his left fourth and fifth toes.

The trier of fact does not find applicant credible in his allegations concerning a psyche, low back, gastrointestinal system with resulting headaches. There is no viable nexus even in applicant's testimony that would suggest credibly an industrial causation to the aforementioned allegations.

This finding is substantially supported by the better reasoned conclusions of Dr. Jonathan C. Greenberger, Internist, in his report of January 22, 1992; of Dr. Richard A. Shrader, Orthopedist, in his reports of July 11, 1991 and April 28, 1992; and of Dr. Steve Xenos, Jr., Psychologist, in his report of November 1, 1991.

TEMPORARY DISABILITY:

Applicant is awarded an additional day of temporary disability for January 14, 1991 at the weekly rate of \$194.67.

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PERMANENT DISABILITY:

I find applicant to have a permanent disability of 3-3/4 per cent equaling \$1,575.00, to be paid at the weekly rate of \$140.00 per week, commencing January 18, 1991. Formal ratings issued on December 10, 1992 with no request for cross-examination of the Disability Evaluator.

APPORTIONMENT:

There is no legal medical apportionment.

FUTURE MEDICAL TREATMENT:


There may be need for future medical treatment.

SELF-PROCURED MEDICAL TREATMENT, MEDICAL-LEGAL COSTS AND LIENS:

Defendants to adjust and/or pay all self-procured medical treatment, medical-legal costs and liens of record with jurisdiction reserved by the Board.

ATTORNEY FEES:

Attorney fee is awarded in the amount of \$200.00.

  
FRANK S. FALERO  
Workers' Compensation Judge

FSF:jm