

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

Case No. POM 198-256

LEONARDO NAVARRO,

*Applicant*

v.

TOMKINS INDUSTRIES, INC.;  
NATIONAL UNION,

*Defendants.*

FINDINGS OF FACT

RECEIVED

NOV 7 1995

KENNITH L. PETERSON

APPLICANT

LAW OFFICES OF MICHAEL J. HEMMING  
BY: ROBERTA FRIZELL  
Attorneys for Applicant

KENNITH L. PETERSON  
Attorneys for Defendant

An application having been filed herein, all parties having appeared and the matter having been regularly submitted, the Honorable JOHN C. GUTIERREZ, WORKERS' COMPENSATION JUDGE, now Finds as follows:

FINDINGS OF FACT

1. Applicant, Leonardo Navarro, born June 9, 1932, did not sustain a work-related injury on October 16, 1991 arising out of and occurring in the course of employment to his back, neck, head and chest, while employed by Tomkins Industries, then insured by National Union and administered by Gallagher Bassett Services.

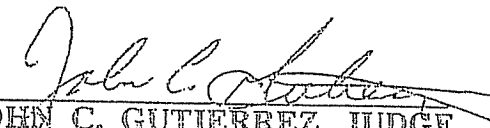
2. All other issues are moot.

DATED AT POMONA, CALIFORNIA

11/3/95

Served by mail on the following parties  
effected on the above date.

BY: D. K. Thomas

  
JOHN C. GUTIERREZ, JUDGE  
WORKERS' COMPENSATION APPEALS BOARD

cc: Leonardo Navarro  
Gallagher Bassett Services  
Law Offices of Michael J. Hemming  
Law Offices of Kenneth L. Peterson  
Law Offices of Leon Pizante  
All Liens of Record

WORKERS' COMPENSATION APPEAL BOARD  
CASE NO.: POM 198-256

LEONARDO NAVARRO,

vs.

TOMKINS INDUSTRIES, INC.;  
NATIONAL UNION,

WORKERS' COMPENSATION JUDGE: JOHN C. GUTIERREZ

DATED: October 30, 1995

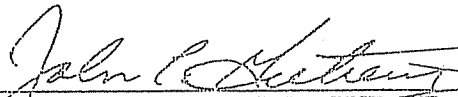
OPINION ON DECISION

INJURY AOE/COE

After careful consideration of the evidence presented in this case, including applicant's testimony and the medical evidence in support thereof, it is concluded that the applicant did not sustain a work-related injury on October 16, 1991 arising out of and occurring in the course of employment to his back, neck, head and chest.

Applicant identified defendant's Exhibit "A" which is a form signed by the applicant. This form was interpreted to the applicant in Spanish for which stated, "I have reported all injuries to you". Applicant acknowledged the signature is his and the form was signed on September 25, 1991. This form was signed at applicant's exit interview, which was also applicant's last day of employment. Applicant testified that he reported this injury but that no one paid attention to him. However prior to applicant's alleged back injury, the applicant had sustained a serious hand injury which was reported by the applicant. The applicant received medical treatment and was off work and received compensation benefits for this serious hand injury. Furthermore, applicant did not seek treatment for his alleged back injury until May 13, 1992, and this treatment was in response to a television ad.

All other issues are moot.

  
JOHN C. GUTIERREZ, JUDGE  
WORKERS' COMPENSATION APPEALS BOARD

JCG:dkt

Mail service on all the interested parties on  
the Official Address Record.