

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

ALYSON GOODWIN,

*Applicant*

vs.

WESTAMERICA BANK;  
LUMBERMAN'S UNDERWRITING  
ALLIANCE,

*Defendants.*

Case No. GRO 0025397

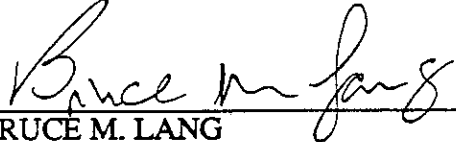
**FINDINGS OF FACT**

The above-entitled matter having been heard by and submitted for decision to BRUCE M. LANG, Workers' Compensation Administrative Law Judge, decision is made as follows:

**FINDINGS OF FACT**

1. Applicant is not entitled to compensation for her injury that occurred while employed by Westamerica Bank in January 29, 2001, because the injury arose out of an altercation in which she was the initial physical aggressor.

The remaining issues are moot.

  
\_\_\_\_\_  
BRUCE M. LANG  
Workers' Compensation Administrative Law Judge  
Workers' Compensation Appeals Board

*A Petition for Reconsideration from this decision shall be filed only at the  
Grover Beach district office of the Workers' Compensation Appeals Board.*

DATE: 5-24-02

DATED AND FILED AT GROVER BEACH, CALIFORNIA.  
Friday, May 24, 2002  
SERVICE ON PARTIES AS SHOWN ON THE  
OFFICIAL ADDRESS RECORD EFFECTED  
ON ABOVE DATE

By:   
\_\_\_\_\_  
N. Dorfman

E. CHARLES MAKI

MAY 28 2002

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LUMBERMAN'S UNDERWRITING  
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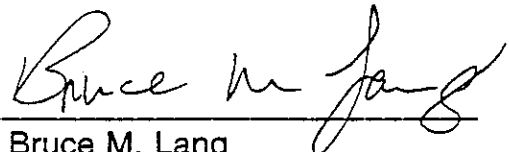
OPINION ON DECISION

**INJURY**

It is found the applicant is not entitled to compensation for her injury that occurred while employed by Westamerica Bank on January 29, 2001, because the injury arose out of an altercation in which she was the initial physical aggressor. Labor Code section 3600, subsection (a)(7).

The facts are not in dispute. The applicant and a co-employee, Richard Bishop, were employed as bank tellers by defendant. On the morning of January 29, 2001, while he was standing at the teller counter and applicant was seated at a desk behind the counter, Bishop used the word 'bitch' in reference to the applicant. In response the applicant left her desk and approached Bishop from behind and hit him in the back. Bishop retaliated by turning around and pushing applicant, causing her injury when she fell. The applicant initiated the physical altercation that resulted in her injury. Therefore, compensation for the injury is barred by section 3600(a)(7).

The remaining issues are moot.



Bruce M. Lang  
Worker's Compensation  
Administrative Law Judge