

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

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Case Nos. POM 0181-147; 48

ALEX ALGWDIWA,

*Applicant*

vs.

NATIONAL CONVENIENCE STORES;  
TRAVELERS INSURANCE COMPANY,

*Defendants.*

JOINT  
FINDINGS AND ORDER

Kegel, Tobin & Truce, by Sandra Grajeda, Attorney for Applicant.

Penn & Van Kolken, by Johann Van Kolken, Attorney for Defendant.

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Application having been filed herein, all parties having appeared and the matter having been regularly submitted, the HONORABLE FRANCIS G. BURKE, Judge, now finds, awards and orders as follows:

FINDINGS OF FACT

1. Alex Algwdiwa, born December 25, 1965, was employed at Riverside, California, as a Store Manager, by National Convenience Stores, whose compensation insurance carrier was Travelers Insurance Company did not sustain injury arising out of and occurring in the course of said employment on April 1, 1992 (POM 0181-148) resulting in nervousness and a stomach disability, and beginning March 1, 1992 through October 10, 1991 (POM 0181-147) to his shoulders, knees, neck, low back, stress and insomnia, and upper and lower extremities, as alleged herein.

2. There being no compensable injury found the lien of Don's Drug (\$98.10) is disallowed.

ALEX ALGWDIWA  
POM 0181-147

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3. All other issues are moot.

**ORDER**

**IT IS ORDERED** that the lien of Don's Drug be and it is hereby disallowed.

DATED AT POMONA, CALIFORNIA

JUL 26 1995

  
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**FRANCIS G. BURKE, JUDGE**  
**WORKERS' COMPENSATION APPEALS BOARD**

SERVED BY MAIL ON PERSON SHOWN  
ON THE OFFICIAL ADDRESS RECORD  
By: *M. C. Cornejo*

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD  
CASE NOS. POM 0181-147; 48

ALEX ALGWDIWA

vs.

NATIONAL CONVENIENCE  
STORES;  
TRAVELERS INSURANCE  
COMPANY

WORKERS' COMPENSATION  
JUDGE: FRANCIS G. BURKE

DATE: JUL 26 1995

Kegel, Tobin & Truce, by Sandra Grajeda, Attorney for Applicant.

Penn & Van Kolken, by Johann Van Kolken, Attorney for Defendant.

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OPINION ON DECISION

INJURY AOE/COE (POM 0181-148):

It is concluded that applicant did not sustain an injury arising out of and occurring in the course of his employment on April 1, 1992 resulting in nervousness and a stomach disability.

In making this finding, the judge is compelled to conclude that there has been no demonstration of a compensable event. For example, applicant has testified in his deposition that his medical problems occurred over the course of time and were not the result of any specific event or occurrence. (See Deposition Transcript, April 6, 1993, pages 33 and 34).

INJURY AOE/COE (POM 0181-147):

It is concluded that applicant did not sustain an injury arising out of and occurring in the course of his employment beginning March 1, 1991 through October 10, 1991 to his shoulders, knees, neck, low back, stress and insomnia, and upper and lower extremities.

In making this finding, the judge acknowledges that the record does not reflect any medical evidence that implicates applicant employment with any injury or disability. This is reflected in the itemization of exhibits as found in the Minutes of Hearing in the Summary of Evidence.

Applicant had a number of complaints with respect to his employment with defendant/employer herein which are made manifest in his deposition transcript. However, there is nothing in the record that makes a connection between those vague complaints and any evidence of an industrial injury.

As indicated above, no medical evidence has been submitted in support of

applicant's claim.

To further buttress the judge's finding, there is the medical opinion of James O'Brien, M.D., reporting April 21, 1993. Dr. O'Brien concludes that there is no industrial psychiatric injury as alleged.

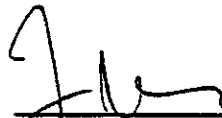
Applicant's claim fails for a want of any medical evidence.

**LIABILITY FOR SELF-PROCURED MEDICAL TREATMENT:**

In view of the finding that applicant has not sustained a compensable injury, it is concluded that the lien of Don's Drug in the amount of \$98.10, must be disallowed.

While medical-legal costs have been raised and apparently a number of medical-legal providers have been noticed with these proceedings, the Board is without any medical evidence or reports billings or liens from any of these medical providers. In light of that, no determination can be made as to the liability of such liens.

In light of the above determination regarding compensability of applicant's claim, the balance of the issues raised herein are deemed moot.



FRANCIS G. BURKE, JUDGE  
WORKERS' COMPENSATION APPEALS BOARD

FGB:mcc

cc: Kegel, Tobin & Truce  
Penn & Van Kolken