

STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION

Case No. LBO 023 8825 (MF)
LBO 023 7304

CARLOS ARROYO,

Applicant.

vs.

SY NURSERY;
TRANSAMERICA INSURANCE,

Defendants.

FINDINGS, AWARD
& ORDER

(CASE RE-ASSIGNED TO
JUDGE MARY ANNE THOMPSON)

LAW OFFICES OF DONALD J. REINO, by
Dirk Sharp, Attorneys for Applicant

KEGEL, TOBIN & TRUCE, by Sandra Adams,
Attorneys for Defendant

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Applications having been filed herein, parties having appeared and the matter having been regularly submitted, the Honorable MARY ANNE THOMPSON, Workers' Compensation Judge, now makes her decision as follows:

FINDINGS OF FACT

(Case No. LBO 023 8825 -
9-10-91 specific injury to back & neck)

- 1) - It is found that Applicant has not sustained an industrial injury.

- 2) - Because no injury is found, all other issues are moot except as follows:

SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:
(See below)

* * * *

(Case No. LBO 023 7304 -
CT to psyche & lungs from 2-10-91 to 2-10-92)

- 1) - No industrial injury is found.
2) - Because no injury is found, all other issues are rendered moot except:

SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:
(See below)

* * * *

BOTH CASES:

A. - SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:

All liens for treatment are hereby disallowed in full.

Defendant is ordered to pay, adjust or commence litigation re:
medical-legal charges within 60 days of this decision.

B. - CLAIM BY DEFENDANT FOR CREDIT FOR DEPOSITION CHARGES:

Denied as there is no fund from which to make any such award.

C. - LABOR CODE SECTION 5710 FEES:

Denied.

CARLOS ARROYO
LBO 023 8825 (MF)
LBO 023 7304

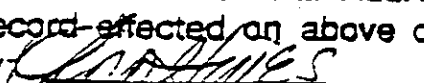
Page -3-

AWARD

AWARD IS MADE in favor of CARLOS ARROYO, Applicant, against TRANSAMERICA INSURANCE, of all medical-legal charges pursuant to Findings B under "BOTH CASES".

ORDER

IT IS HEREBY ORDERED that Applicant taking nothing further.

Dated: JUN 29 1994
at Long Beach, California
Service by mail on parties
as shown on Official Address
Record effected on above date.
By: 


MARY ANNE THOMPSON
Workers Compensation Judge

WORKERS' COMPENSATION APPEALS BOARD

Case No. LBO 023 8825 (MF)

Case No. LBO 023 7304

CARLOS ARROYO

vs.

SYNURSERY;
TRANSAMERICA INSURANCE.

WORKERS' COMPENSATION JUDGE:

MARY ANNE THOMPSON

OPINION ON DECISION

*(Case re-assigned to
Judge Mary Anne Thompson)*

CASE NO. LBO 023 8825 (Re: 9-10-91 Specific injury to back & neck:

INJURY AOE/COE: It is found that Applicant has not sustained an industrial injury. Applicant, a supervisor, of 12 workers, claims that he was injured on 9-10-91. The record reveals, however, that he continued working in his usual and customary occupation involving heavy lifting until he was laid-off with other co-workers on 2-10-92 due to lack of work. I further find the medical reports of Dr. Bray to be very persuasive.

Because no injury is found, all other issues are moot except as follows:

SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:

See below.

.....

CASE NO. LBO 023 7304 (Re: CT to psyche & lungs from 2-10-91 to 2-10-92:

No industrial injury is found in light of the defense medical reports of Dr. Wallack and Dr. Lieberman.

Because no injury is found, all other issues are rendered moot except:

SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:

See below.

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BOTH CASES:

A. - SELF-PROCURED MEDICAL/MEDICAL-LEGAL/LIENS:

All liens for treatment are hereby disallowed in full.

Defendant is ordered to pay, adjust or commence litigation re: medical-legal charges within 60 days of this decision.

B. - CLAIM BY DEFENDANT FOR CREDIT FOR DEPOSITION CHARGES:

Denied as there is no fund from which to make any such award.

C. - LABOR CODE SECTION 5710 FEES:

Denied pursuant to Vi Reynolds vs. WCAB 54 CCC 360 and Labor Code Section 5710 which awards fees to the attorney of an "injured worker."

Dated: JUN 29 1994
at Long Beach, California
Service by mail on parties
as shown on Official Address
Record effected on above date.

By: [Signature]

[Signature]
MARYANNE THOMPSON
Workers' Compensation Judge