

# WORKERS' COMPENSATION APPEALS BOARD

MAGDALENO BARRAZA,

CASE NO. LBO 227032

Applicant

MINUTES OF HEARING

( AND )

SUMMARY OF EVIDENCE  
AND FINDING APPLICANT TAKE  
NOTHING AND APPLICANT'S  
ATTORNEY RELIEVED AS ATTORNEY  
OF RECORD

SHAKEY'S PIZZA RESTAURANT;  
TRANSAMERICA INSURANCE COMPANY,

Defendants

SEARCHED BY \_\_\_\_\_ ON PHYSICIAN SYSTEM  
OF THE GENERAL ADDRESS RECORD  
Date: 1-10-94 By: J Tsuda

Place and Time: Long Beach, California - December 23, 1993, 9:35 a.m.

Judge: LAWRENCE LOW  
Reporter: Fumiko Tsuda

Appearances: Applicant not present

Mid-Wilshire Law Center, by Ronald Kinsling

Kegel, Tobin & Truce, by Melissa P. Matovich, Esq.,  
Attorneys for Defendants

Interpretations Services, by Aida Gonzalez Weir, Interpreter,  
I.D. # 569327851

WITNESSES: Nisar Ahmed

EXHIBITS: APPLICANT'S 1 - Two reports of ABC Medical Clinic dated  
1/30/92 and 4/30/92.

DEFENDANT'S A - Report of Steven M. Reznick, M.D.,  
dated 3/30/92, and the subpoenaed  
records of St. Paul Fire and Marine  
Insurance Company relating to a 1992  
automobile accident and subsequent  
treatment.

THE COURT: Do you want to advise me why the applicant is not  
here today, Counsel?

MR. KINSLING: Your Honor, we attempted to call him and could  
not reach him. And I believe that at the last trial, or I was not  
present, but the applicant did appear, defense counsel had a conversation  
with him about the continuance and advised him that the case was going

1 to trial on this date, December the 23rd of '93, at nine o'clock,  
2 and he was to appear at that time. I was not present at the  
3 conversation, but she has advised me that she did discuss that  
4 with him, and pursuant to that, he has not appeared.

5 THE COURT: All right.

6 This matter was previously set for trial on November 17th,  
7 1993 and was continued to today. Pursuant to the provisions of  
8 the labor code, we are proceeding without the applicant present.

9 MS. MATOVICH: For the record, your Honor, I did have an  
10 interpreter explain to the applicant in no<sup>4</sup> certain terms per  
11 your instructions, we will be proceeding with the trial today  
12 with him or without him or without an attorney, and he indicated  
13 that he understood very clearly and that he was going to be  
14 present.

15 THE COURT: So there was an interpreter at the last time?

16 MS. MATOVICH: Yes.

17 THE COURT: And he did explain it to the applicant in  
18 Spanish the continued trial date?

19 MS. MATOVICH: Yes, your Honor.

20 THE COURT: All right.

21 MS. MATOVICH: The interpreter was also from the  
22 Interpretation Services, Uri Yaval.

23  
24 (Summary of Evidence - attached)  
25  
26  
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FINDING AND ORDER

1  
2 After testimony of the defendant employer and review of  
3 the medical records herein, I find that applicant did not sustain  
4 any injuries as alleged in his claim form or application to his  
5 neck, back, legs, eyes, or vision.

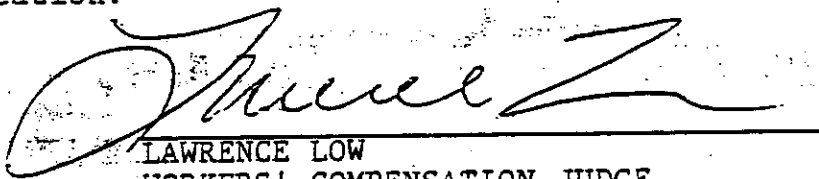
6 Therefore, I find the applicant shall take nothing by way  
7 of his claim or application.

8 MOTION BY MR. KINSLING:

9 I'd like to be relieved at this time since the applicant  
10 previously expressed dissatisfaction about representation and did  
11 not appear today. I'd like to be relieved as Attorney of Record.

12 ORDER:

13 Applicant's attorney has made an oral motion to be relieved  
14 as counsel and I find that there is good cause to relieve him as  
15 counsel since applicant indicated last time that he was dissatis-  
16 fied with representation.

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LAWRENCE LOW  
WORKERS' COMPENSATION JUDGE