

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

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Case No.: MON 159599; 174987

LAMONT CRAWFORD,

*Applicant.*

vs.

TOYS R US;  
TRAVELERS INSURANCE COMPANY,

*Defendants.*

**FINDINGS & ORDER**

**MALLERY, STERN & HOWINGTON**  
By: James Gabriel  
Attorney for Applicant

**LAW OFFICES OF CHARLES PAUL**  
By: Patrick Dwyer  
Attorneys for Defendant

The above-entitled matter having been heard and regularly submitted, the Honorable MARILYN KAY WARD, Workers' Compensation Judge, now makes her decision as follows:

**FINDINGS OF FACT**

1. Lamont Crawford, born April 23, 1973, while employed as a warehouseperson, on March, 1992 thru January 25, 1993 and January, 1992 thru January, 1993, by Toys R Us, then insured as to workers' compensation liability by Travelers Insurance Company did not sustain injury arising out of and occurring in the course of his employment to his low back.

2. Applicant is entitled to reimbursement of medical-legal costs in an unknown amount to be informally adjusted by and between the parties, less credit to defendants for all sums heretofore paid on account thereof, if any.

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3. All other issues have been rendered moot.

**AWARD**

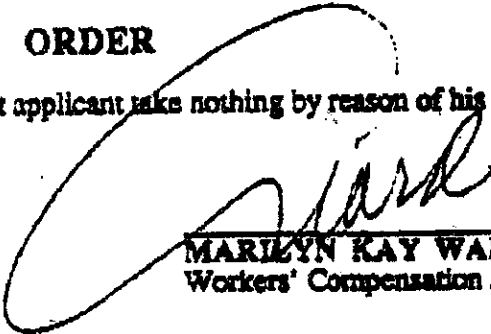
**AWARD IS MADE** in favor of Lamont Crawford against Travelers Insurance Company of:

Medical-legal costs in an unknown amount to be informally adjusted by and between the parties, less credit to defendants for all sums heretofore paid on account thereof, if any.

**ORDER**

**IT IS ORDERED** that applicant take nothing by reason of his application filed herein.

Filed and served on all parties listed on the Official Address Record.

  
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MARILYN KAY WARD  
Workers' Compensation Judge

Dated: DEC 14 1994

By: *HT*

CASE NO. MON 159589 (MF); 174887

LAMONT CRAWFORD

vs. TOYS R US;  
TRAVELER'S INS

DATE OF INJURY:

3/92 -1/25/93;  
1/92 - 1/93

WCAB JUDGE:

HON. MARILYN KAY WARD

### OPINION ON DECISION

#### STIPULATION:

Based upon stipulation of counsel, applicant was employed by Toys R Us as a warehouse person. Employer's workers' compensation insurance carrier on the date of injury was Traveler's insurance.

Applicant's earnings were \$169.19 per week at the time of the alleged industrial injury sufficient to produce a compensation rate of \$112.79 per week for temporary disability and \$112.79 per week for permanent disability.

#### INJURY AOE/COE:

Pursuant to the testimony of the applicant, that of Brian Dean Kingston, Gabriel Chapas, Devin Stalker and Eric Entrikin and on the entire record including the reports of Drs. Miller, MacKay, Matko and Mandrick, applicant is found not to have sustained an industrial injury to applicant's low back during the period of March, 1992 through January 25, 1993 and January 1992 through January 1993.

Overlapping periods of injury were alleged. The applicant testified that the lifting of a gym set, with Mr. Chapas, onto a pallet, brought the pain on. He developed a problem in May, 1992, and then testified that it occurred in December, 1992. While there was ample testimony concerning the fact that the applicant did not operate the machinery to lift pallets of gym sets (this was done by others), his testimony was that he lifted a gym set onto a pallet with a co-worker, Mr. Chapas. Chapas testified that if a gym set fell on the floor, two persons would pick it up "but that this never happened", and that he did not lift a gym set with applicant. In applicant's deposition, applicant testified that he was lifting gym sets with Chapas and putting them on a truck. This is contrary to the statement that he lifted a gym set and put it on a pallet.

The X-Ray reports of applicant's back were normal according to his own doctor. Applicant's symptoms were mostly subjective except for a scoliosis problem which was non-industrial. Applicant had sustained a previous industrial injury while working at Toys R Us and knew the procedure for reporting same. In addition, training classes on safety were given with

