

TLO/LBO

WORKERS' COMPENSATION APPEALS BOARD

CASE NO. LBO 215706

MICHAEL EDWARDS

vs. ROCKWELL INTERNATIONAL  
Permissibly Self-Insured  
Adjusted by COMCO

Workers' Compensation Judge:  
Date:

LAWRENCE LOW  
March 22, 1994

MARVIN L. MATHIS, Attorney for Applicant.  
KEGEL, TOBIN & TRUCE, by Terri L. Olsen, Attorneys for Defendants.

OPINION AND DECISION OF WORKERS'  
COMPENSATION JUDGE

Injury AOE/COE: This matter was heard on December 10, 1993,  
applicant was present and testified.

After review of the testimony and medical-legal evidence, I find that applicant has failed to establish injury arising out of employment, or in the course of employment pursuant to Labor Code Section 3202.5. I find applicant's medical-legal report speculative, with unsupported findings and conclusions.

Dr. Brautbar's reports do not establish by a preponderance of evidence that there was a causal link of applicant's purported exposure to certain chemicals and his malignant lymphoma.

I rely on the scholarly and well reasoned and well documented report of defendants' medical consultative report of Philip Edelman, M.D., April 29, 1992. I find Dr. Edelman's conclusion was based on documented clinical studies, treatises and research concerning carcinogens in relative to lymphomas and other forms of cancer.

Dr. Edelman concluded applicant was not as accurate historian as to the chemicals he used in his cleaning procedures. Applicant failed to provide any evidence which documented a definite period of exposure to chemicals which, in turn, caused his type of cancer.

Applicant shall take nothing by way of his claim or application.

Lien Claims: I find applicant has reasonably incurred medical-legal expenses. Claims of Dr. Brautbar and General Services shall be paid pursuant to the Labor Code.

All other issues are rendered moot.



LAWRENCE LOW

Workers' Compensation Judge  
DIVISION OF WORKERS' COMPENSATION

LL/hs

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

Case No. LBO 215706

MICHAEL EDWARDS,

*Applicant*

v.

ROCKWELL INTERNATIONAL,  
Permissibly self-insured, adjusted by  
COMCO,

*Defendants.*

Findings, Award & Order

MARVIN L. MATHIS, Attorney for Applicant.

KEGEL, TOBIN & TRUCE, by Terri L. Olsen, Attorneys for Defendants.

The above-entitled matter having been heard and regularly submitted,  
the Honorable LAWRENCE LOW, Workers' Compensation Judge, now makes his  
decision as follows:

FINDINGS OF FACT

1. MICHAEL EDWARDS, born January 7, 1952, while employed as a assembly worker, at Seal Beach, California, from the period May 31, 1984, through September 1, 1988, by Rockwell International, permissibly self-insured, adjusted by Comco, did not sustain injury arising out of and occurring in the course of his employment to his stomach, head, neck, shoulders, eyes, chest, nervous condition, liver and cancer.

2. Applicant has reasonably incurred medical-legal claims of Dr. Brautbar and General Services, which shall be paid pursuant to the Labor Code.

3. All other issues are rendered moot.

AWARD

AWARD IS MADE in favor of Michael Edwards against Rockwell International, permissibly self-insured, adjusted by COMCO, of medical-legal claims as set forth in Findings of Fact 2.

ORDER

IT IS ORDERED that applicant takes nothing by reason of his claim or application filed herein.

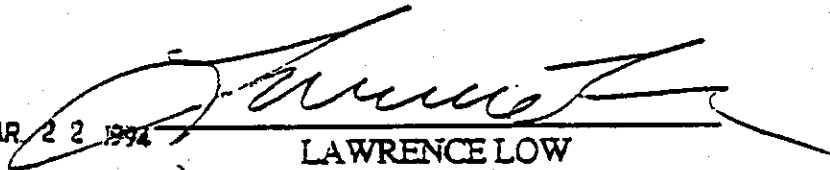
Filed and Served by mail on:

MAR 22 1994

On all parties on the

Official Address Record.

By



LAWRENCE LOW

WORKERS' COMPENSATION JUDGE