

MAS

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

ALVARO ESCOBEDO,

Case No. ANA 0289747

Applicant,

FINDINGS AND ORDER

vs.

CARL KARCHER ENTERPRISES;
CONSTITUTION STATE SERVICES,
Defendants.

Application having been filed herein and the matter having been duly submitted for decision, the Honorable Charles E. Mattson, Workers' Compensation Judge, Finds and Order as follows:

FINDINGS OF FACT

(1) ALVARO ESCOBEDO, born AUGUST 18, 1969, while employed as a CREW PERSON, in APRIL 1993, at HUNTINGTON BEACH, California, by CARL KARCHER ENTERPRISES, permissibly self-insured, adjusted by CONSTITUTION STATE SERVICES, did not sustain injury as alleged herein.


ORDER

IT IS HEREBY ORDERED that applicant shall take nothing in this case.

Served on parties as shown on the Official Address Record:

Date: NOV 8 1995

By Tess Garcia
Tess Garcia



CHARLES E. MATTSON
Workers' Compensation Judge

CASE NUMBER ANA 0289747

**ALVARO ESCOBEDO vs. CARL KARCHER ENTERPRISES;
CONSTITUTION STATE SERVICES**

Workers' Compensation Judge:
Charles E. Mattson
Date: November 7, 1995

DENNIS FUSI
Attorney for Applicant

KEGEL, TOBIN, ET AL.
Attorney for Defendant

OPINION ON DECISION

This matter was heard on October 5, 1995. Defendant has filed a Memorandum of Ps & As and a Motion for an Order Striking Applicant's Medical Reporting (filed 10-12-95).

The above Motion is not taken as submitted at this time. The lien claimants of record failed to appear at hearing on 10-5-95 after notice of hearing by defendant. There is no record of service of the Minutes and evidence upon the absent lien claimants. See WCAB Rule 10562, failure to appear. There is no record of service of all reports on lien claimants as required by WCAB Rule 10609. Under the circumstances the Board will set a lien conference for further hearing on the lien claims.

The decision on applicant's claim is set forth below.

INJURY-DISABILITY

Applicant's testimony at hearing failed to support his claim of injury in April 1993. The medical evidence of Dr. David Kim, M.D., report dated 4-22-94 is supported by the record of continuous employment from April 1993 to January 1994 without medical treatment or any record of disability.

CONCLUSIONS

No benefits are due applicant as no injury was sustained.

OPINION ON DECISION

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A. Escobedo v. Carl Karcher Enterprises/Constitution State Service Co. (Case No. 0289747)

The lien claims of record will be set for lien conference. Notice will be given that the lien claims of record will be taken as submitted for decision on the record after fifteen days in the absence of written objection to such submission. Further objection to such submission shall be deemed waived as to any lien claimant failing to appear at lien conference.



CHARLES E. MATTSON
Workers' Compensation Judge

CEM:tsg

**STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD**

ALVARO ESCOBEDO,

Applicant,

vs.

CARL KARCHER ENTERPRISES;
CONSTITUTION STATE SERVICE CO.,
Defendants.

Case No. ANA 0289747

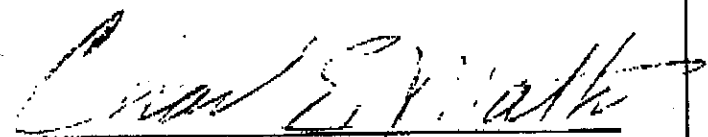
**NOTICE OF INTENTION
TO SUBMIT LIEN CLAIMS
FOR DECISION**

IT APPEARING THAT hearing was held herein on October 5, 1995; the defendant has filed a Memorandum of Ps & As and a Motion for an Order Striking Applicant's Medical Reporting (filed October 12, 1995); and the liens of record are objected to by defendant,

NOTICE IS HEREBY GIVEN that the lien claims herein will be taken under submission for decision on the present record unless good cause to object, including any further evidence offered or to be offered, is filed in writing within 15 days.

Failure to file written objection and to offer further evidence shall be deemed a waiver of objection to submission of the lien claims herein.

Filed and Served by mail on: **NOV 8 1995**
On all parties on the
Official Address Record.
T Garcia
By: Tess Garcia



**CHARLES E. MATTSON
WORKERS' COMPENSATION JUDGE**