

DAD

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

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Case No. POM 0183793

Carlos Vasquez,

Applicant

vs.

Western Waste Industries,
Permissibly Self-Insured,
Defendants.

FINDINGS AND ORDER

Dennis Russell by Carlos H. Rivera, as attorneys for applicant;
Kegel, Tobin & Truce by Beverly Newman, as attorneys for defendant.

* * * * *

Application having been filed herein, all parties having appeared and the matter having been regularly submitted, the HONORABLE J. MICHAEL MORGAN, Judge, now finds, awards and orders as follows:

FINDINGS OF FACT

1. Carlos Vasquez did not sustain injury arising out of and occurring in the course of said employment to his back, neck, left arm and lower extremity as alleged herein.
2. Applicant is entitled to reimbursement of medical-legal costs in an amount to be adjusted by and between the parties or absent such adjustment to be determined by a workers' compensation judge.
3. EDD lien is disallowed, there does not appear to be a legitimate industrial injury.
4. All other issues are moot.

1 CARLOS VASQUEZ
POM 0183793

2 A W A R D

3 AWARD IS MADE in favor of Carlos Vasquez against Western Waste

4 Industries of:

5 (a) Reimbursement for medical-legal costs as provided in Finding No. 2 above,
6 less credit for sums paid, if any.

7 O R D E R

8 IT IS FURTHER ORDERED that applicant take nothing further herein.


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11 DATED AT POMONA, CALIFORNIA

12 DATE FEB 4 1993


13 J. MICHAEL MORGAN, JUDGE
WORKERS' COMPENSATION APPEALS BOARD

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15 SERVED BY MAIL ON PERSON SHOWN
16 ON THE OFFICIAL ADDRESS RECORD

17 DATE FEB 4 1993 BY:


A. Perez

STATE OF CALIFORNIA
WORKER'S COMPENSATION APPEALS BOARD
CASE NO. POM 0183793

Carlos Vasquez vs. Western Waste Industries
Permissibly Self-Insured

JUDGE: J. MICHAEL MORGAN

DATE: FEB 24 1993

Dennis Russell by Carlos H. Rivera, attorneys for applicant.

Kegel, Tobin & Truce by Beverly Newman, attorneys for defendants.

OPINION ON DECISION

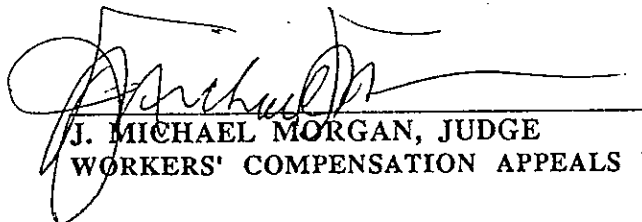
This case appears to have a tainted origin. The applicant was injured the day he was layed off. He claims to have been in bed for a month before going to a medical clinic. The clinic referred him to an attorney who sent a representative to his house. He was then referred to a doctor.

He was examined on July 17, 1991 by Dr. Kent, who found no reason why he could not work and the doctor imposed no work restrictions.

A CT of the lumbar spine was done by Crown Imaging on April 6, 1991 which was interpreted as normal. An MRI of the cervical spine was also interpreted as normal.

This case appears to be of doubtful validity. It may be active fraud, but I cannot make a determination at this point. However, it cannot be found that the applicant was legitimately hurt on the job as claimed.

All medical-legal liens are to be adjusted by the parties. However, the EDD lien is disallowed as there does not appear to be a legitimate industrial injury.


J. MICHAEL MORGAN, JUDGE
WORKERS' COMPENSATION APPEALS BOARD

JMM:ap

cc: Dennis Russell
Kegel, Tobin & Truce