

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. 93 LAO 0684622

ALCEE VICK, JR.,

Applicant

vs.

RALPH'S GROCERY;
Permissibly self-insured,

Defendants.

FINDINGS AND ORDER

HINDEN & GRUESKIN
by Jamie Schneidman
Attorneys for Applicant

KEGEL, TOBIN & TRUCE
by D'Arcy T. Swartz
Attorneys for Defendants

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

FINDINGS OF FACT

1. ALCEE VICK, JR., born August 2, 1965, while employed at Ralph's Grocery Company, Los Angeles, California, in February, 1992, as a pallet repairer, Occupational Group 1, did not sustain injury arising out of and occurring in the course of his employment to his back, neck, shoulders and nervous system.

ORDER

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

The issue of lien claims is ordered off calendar. The issue may be restored to calendar and the matter of the liens set for conference, by the filing of a petition, supporting documents and a Declaration of Readiness to Proceed.

Filed and Served by mail on: 2-15-94

On all parties on the
Official Address Record.

By: *Christina Justice*

Kacey J. Keating

KACEY J. KEATING

WORKERS' COMPENSATION JUDGE

WORKERS' COMPENSATION APPEALS BOARD

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The witness to the accident, Mr. Andy Chavez, did not recall having witnessed the accident. Mr. Harry Gallardo, to whom the applicant believes he reported the accident on the day it happened, testified that he did not recall any such accident being reported to him; further, he testified that had an accident been reported, that the company policy called for a written report to be prepared.

Based on the testimony, it is more likely than not that the alleged accident did not occur.

Dated: February 14, 1994

Kacey J. Keating
KACEY J. KEATING
Workers' Compensation Judge

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Filed and served by mail on FEB 15, 1994
on parties shown on Official Address Record

By: Christine Duarte