

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

RUTH CASE

*Applicant*

vs

PROCTER & GAMBLE; Self Insured,

*Defendants.*

Case No. SBA 0075468, 75469

FINDINGS AND AWARD  
AND ORDER

The Honorable RALPH G. FISHER Workers' Compensation Judge, Finds, Awards and Orders as follows:

FINDINGS OF FACT

1. The employer has not discriminated against the applicant within the meaning of Labor Code §132 a..
2. Defendant is liable in the sum of \$115.00 for the costs of subpoenaing a witness.
3. Defendants are liable for attorney's fees under Labor Code §5710 in the sum of \$490.00

AWARD

AWARD IS MADE in favor of RUTH CASE and against Procter & Gamble Self Insured, of:

Reimbursement for costs and for attorney's fees pursuant to the above findings.

ORDER

Code 132 a. IT IS ORDERED that applicant take nothing in additional benefits under Labor



RALPH G. FISHER  
Workers' Compensation Judge

E. CHARLES MAKI

OCT 17 1995

RGF:md

DATED: 10-13-95

Service by mail on parties as shown on  
Official Address Record effected on above date.

By: Mary Denny  
MARY DENNY

A Petition for Reconsideration from this  
decision shall be filed only at the Santa  
Barbara office of the Workers' Compensation  
Appeals Board.

RUTH CASE

SBA 0075468, 75469

CASE NUMBERS SBA 0075468, 75469

RUTH CASE

v.

PROCTER & GAMBLE,  
Self-Insured,

OPINION ON DECISION

The applicant claims that Procter and Gamble (P&G) discriminated against her because of her workers' compensation claim. I have reviewed the evidence presented and find no basis whatsoever to support the allegations of discrimination.

In February 1995, P&G instituted a nationwide realignment of sales representation for its customers. The realignment was based on a single sales representative calling on a specific customer, i.e., Albertsons in a designated geographic area. This concept replaced the old method of several different customers being served by a representative. In accordance with the new company policy, the applicant was offered the only territory available in the area of her residence. After she refused to accept the reassignment and there being no other assignments available, she was terminated.

While the vastness of proposed geographic assignment appeared unrealistic to adequately cover in 18 hours, the alleged unreasonableness of the assignment is not the issue. The issue is whether the applicant was offered the reassignment and later terminated because of her industrial injury. The answer is no. The nationwide change of policy, the geographic "sectors" and lack of alternative assignments, had nothing to do with applicant's industrial injury and periods of disability. Accordingly, there are no grounds to find 132 a discrimination.

  
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RALPH G. FISHER  
Workers' Compensation Judge

RGF:md

Served on: Allan Ghitteman  
Kegel, Tobin & Truce

On: 10-13-95

By: Mary Denny  
MARY DENNY