

STATE OF CALIFORNIA
DIVISION OF WORKERS' COMPENSATION

Case No. MON 288215; 288216; 288217

YELENA NESTERENKO,

Applicant,

v.

ROBINSONS-MAY;
Permissibly Self-Insured,

-- *Defendants.*

FINDINGS AND ORDER

*J
168*

The above-entitled matter having been heard and regularly submitted, the Honorable Howard Goodman, Workers Compensation Administrative Law Judge now finds and order as follows:

FINDINGS OF FACT

1. Applicant's termination was not a violation of Labor Code Section 132(a).

ORDER

IT IS HEREBY ORDERED that Applicant shall take nothing by way of her Petition for Benefits pursuant to Labor Code Section 132(a).

Dated: _____

[Signature]
4/7/05

HOWARD GOODMAN
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

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

Service by mail on parties as
Shown on Official Address Record.

By: *Conita Marchman*
4405

WCAB CASE NO. MON 288215; 288216; 288217

YELENA NESTERENKO

v. ROBINSONS-MAY; P.S.I.

DATE OF INJURY:

01/17/2002

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

HOWARD GOODMAN

OPINION ON DECISION

APPLICANT'S TERMINATION WAS NOT A
VIOLATION OF LABOR CODE SECTION 132(a)

Based upon the testimony of Applicant, Yelena Nesterenko, which I found to be non-credible and inconsistent, and the testimony of Nicole Hise and Arturo Mares, whose testimony, I did find to be credible, it is found that Applicant's termination herein was not a Violation of Labor Code Section 132(a).

While the evidence herein did not establish that Applicant did, in fact, commit the theft alleged, it also did not establish that Applicant's termination was in retaliation for her filing of a Claim for Workers' Compensation Benefits.

DATED: _____

4/4/05

HOWARD GOODMAN
Workers' Compensation
Administrative Law Judge