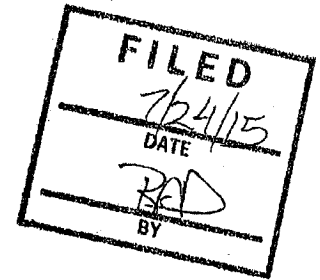


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WORKERS' COMPENSATION APPEALS BOARD
OF THE STATE OF CALIFORNIA



SALVADOR CEJA,

ADJ9196127

Applicant,

FINDINGS AND ORDER

vs.

FRANCO AMERICAN BAKERY, dba
MEZZALUNA BAKERY, and STAR
INSURANCE COMPANY, administered by
ILLINOIS MIDWEST INSURANCE AGENCY;

Defendants.

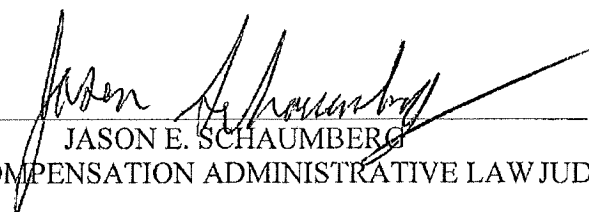
The above-entitled matter having been heard and submitted for a decision, Jason E. Schaumberg, Workers' Compensation Judge, now finds and orders as follows:

FINDINGS OF FACT

1. During the cumulative period ending July 16, 2013, the applicant Salvador Ceja, born April 22, 1957, while employed by Franco American Baker, insured by Star Insurance Company, administered by Illinois Midwest Insurance Agency, did not sustain injury arising out of and in the course of employment to his right shoulder.

ORDER

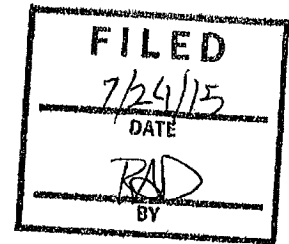
IT IS ORDERED that applicant take nothing in connection with this case.



JASON E. SCHAUMBERG
WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

Please see attached Proof of Service

Salvador Ceja
ADJ9196127



OPINION ON DECISION

This case was the subject of a Mandatory Settlement Conference on June 22, 2015 at which time the issues were framed for trial. The case came to trial on July 15, 2015 with the sole issue being injury AOE/COE.

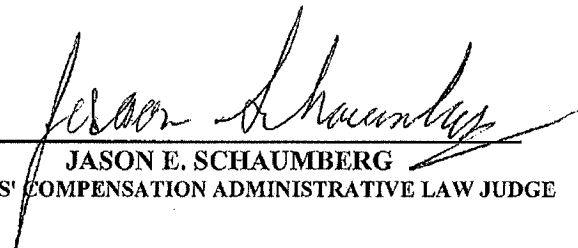
The parties submitted joint exhibits, consisting of excerpted medical records of the applicant's treating doctors, as well as the singular report of Dr. Wolfson, who provided the sole medical-legal examination in this case.

The applicant bears the burden of providing evidence of industrial injury under Labor Code §3202.5 (All parties and lien claimants shall meet the evidentiary burden of proof on all issues by a preponderance of the evidence in order that all parties are considered equal before the law). Although there is a long standing policy that liberal construction under Labor Code §3202 requires the court to resolve reasonable doubts in applicant's favor, in the present case there is no medical evidence that applicant sustained an industrial injury. To the contrary, there is convincing medical evidence that applicant did not sustain an industrial injury. Dr. Wolfson states his diagnosis quite clearly:

- “1. Right shoulder rotator cuff derangement, nonindustrial.
2. Status post failed arthroscopic surgery on 8/14/2013, nonindustrial.
3. Progressive pain in the right shoulder with failure to increase motion with physical therapy, nonindustrial
4. Adhesive capsulitis, nonindustrial.”

(See, Joint Exhibit 1, report of Dr. Wolfson report dated February 11, 2015 at page 20)

Applicant's testimony alone cannot overcome the clear, substantial medical evidence in this case. Accordingly, this court finds that applicant did not sustain any industrial injury to his right shoulder.



JASON E. SCHAUMBERG
WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

JES/rad

OFFICIAL ADDRESS RECORD

&

PROOF OF SERVICE

SALVADOR CEJA Case Number: ADJ9196127

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SALVADOR CEJA

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The 'Findings and Order' and 'Opinion on Decision' were filed and served by mail and or email to the above listed parties-

On: July 24, 2015

By:


Rachel D.