

STATE OF CALIFORNIA
Division of Workers' Compensation
Workers' Compensation Appeals Board

DAVID WHITT,

Applicant,

vs.

PAN PACIFIC PRINTING PRESS, INC;

Defendants.

Case No. ADJ9123235

FINDINGS AND ORDER

The above entitled matter having been heard and regularly submitted, the Honorable Jeffrey Morgan, Workers' Compensation Administrative Law Judge, now decides as follows:

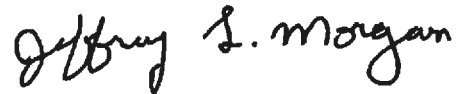
FINDINGS OF FACT

1. Applicant claims an industrially related injury taking place on 1/4/12.
2. Applicant's claim for benefits was timely denied
3. Defendant provided no benefits on this case.
4. The Application for Adjudication was filed on 10/3/13.
5. The Application for Adjudication was not filed within the time limits proscribed by Labor Code section 5405.
6. All other issues are moot.

ORDER

IT IS HEREBY ORDERED that the Application for Adjudication in this matter be,
and hereby is, **DISMISSED**.

DATE: 6/15/15



Jeffrey Morgan
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

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ANTON LAW HUNTINGTON BEACH, US Mail
BRADFORD BARTHEL VENTURA, Email
DAVID WHITT, US Mail
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ILLINOIS MIDWEST SPRINGFIELD, US Mail

Served on above parties by preferred method of service shown at addresses shown on attached
Proof of Service on 6/16/15

By Sonia Hernandez



PROOF OF SERVICE
FINDINGS AND ORDER
JUNE 16, 2015

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ILLINOIS MIDWEST
SPRINGFIELD

Insurance Company, PO BOX 13369 SPRINGFIELD IL 62791

**STATE OF CALIFORNIA
Division of Workers' Compensation
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CASE NUMBER: ADJ9123235

DAVID WHITT

-vs.-

**PAN PACIFIC PRINTING
PRESS, INC, PAN PACIFIC
PRINTING PRESS INC;
ILLINOIS MIDWEST
SPRINGFIELD;**

**WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE: Jeffrey Morgan**

DATE: 6/15/15

OPINION ON DECISION

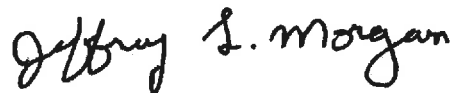
STATUTE OF LIMITATIONS

Labor Code section 5405 provides that an Application to commence proceedings for the collection of benefits must be filed within 1 year from either the date of injury, the last provision of benefits, or the expiration of any period of temporary or permanent disability. In this case, Applicant testified he didn't realize that his condition might be work related until July, 2013. The claim is for an injury taking place on 1/24/12. The Application was filed on 10/13/13. Brad Steirs, the president of Pan Pacific testified that his first knowledge of an industrial injury claim was when he received the Application for adjudication.

Based on the foregoing facts, it is found that Applicant's claim is barred by the statute of limitations. Applicant needed to file an Application by 1/24/13 in order to toll the statute under the circumstances of this case. Estoppel to plead the statute was not raised as an issue, but is not

applicable under the facts of this case since Applicant readily admits that he didn't even consider the possibility that his injury was work related until after the statute of limitations had run. Thus the employer had no knowledge of a work injury claim which could give rise to facts to support an estoppel theory.

DATE: 6/15/15



Jeffrey Morgan
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

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OPINION ON DECISION

JUNE 16, 2015

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