

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

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VICTORIANO MARTINEZ,

Applicant,

v.

**MATTHIAS VILLEGAS and STAR
INSURANCE COMPANY administered by
MEADOWBROOK INSURANCE,**
Defendants.

ADJ10628973

FINDINGS AND ORDER

The above-entitled matter having been heard by and submitted for decision to Roisilin Riley, Workers' Compensation Administrative Law Judge, decision is made as follows:

FINDINGS OF FACT

- 1. Applicant, Victoriano Martinez, born 8/15/77, while employed on 11/17/15 as a farm laborer, Occupational Group 491, by Matthias Villegas, sustained injury to his right eye arising out of and occurring in the course of employment.
- 2. At the time of the injury, the employer's workers' compensation carrier was Star Insurance, administered by Meadowbrook Insurance.
- 3. Applicant's permanent disability rate would be \$290.00 per week.
- 4. No attorney fees have been paid, and no attorney fee arrangements have been made.
- 5. The injury did not result in permanent disability or need for further medical treatment.
- 6. All other issues raised at trial are moot.

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ORDER

GOOD CAUSE APPEARING;

IT IS HEREBY ORDERED THAT Applicant shall take nothing further by reason of his application herein.



ROISILIN RILEY
Workers' Compensation
Administrative Law Judge

SERVED: July 13, 2018
On parties listed on the
Official Address Record.

By *Dina Garcia*
DINA GARCIA

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2 **VICTORIANO MARTINEZ**
3 **ADJ10628973**

4 **OPINION ON DECISION**

5 Applicant sustained a minor injury to his right eye when wind blew dirt or
6 trash in his eye. He was initially diagnosed with conjunctivitis. Applicant's
7 subsequent complaints of retinal detachment and loss of vision were determined
8 not to be related to his initial injury on 11/17/15 by QME Dr. Richard Mendoza.

9 Applicant's credibility is in question. Applicant testified he had no problem
10 with his eye before this injury. Applicant denied to Dr. Mendoza any history of
11 injury, eye disease, or eye examinations prior to 11/17/15. However, per chart
12 notes by Dr. Mackin (Appl's A-3), he had rock or other foreign body removed from
13 his right eye in August 2010. At that time, he complained of blurry vision and
14 was diagnosed with a corneal defect with mild pain. He went back about a month
15 later with a new corneal abrasion.

16 Applicant contends in his post-trial brief that he rubbed his eyes
17 immediately after the object flew into his eye. However, per the Summary of
18 Evidence, Applicant did not testify to rubbing his eye. Even if he had vigorously
19 rubbed his eyes, Dr. Mendoza testified in his deposition that it is not medically
20 probable that rubbing the eye would contribute to the eye's deterioration.
21 Applicant testified that lifting objects hurts his eye. Dr. Mendoza testified in his
22 deposition that although lifting could possibly contribute to deterioration, it is not
23 medically probable.

24 Applicant failed to meet his burden of proving his case by a preponderance
25 of the evidence.

26 The original injury did not cause any residual disability or need for further
27 medical treatment.

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21 **ROISILIN RILEY**
22 **Workers' Compensation**
23 **Administrative Law Judge**

24 **RR/dg**

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION

07-13-2018

OFFICIAL ADDRESS RECORD

Case Number: ADJ10628973

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INSURANCE LAS claims@meadowbrook.com
VEGAS

VICTORIANO Injured Worker, PO BOX 198 KING CITY CA 93930
MARTINEZ

Served on above parties, Findings & Order. By: Dina Garcia

ADJ10628973
07/13/2018
DINA GARCIA