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STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

SAMUEL VALENZUELA,

Applicant,

v.

**RALPH COLLAZO PACKING, STAR
INSURANCE COMPANY, administered
by MEADOWBROOK INSURANCE LAS
VEGAS,**

Defendant.

Case No. ADJ9813993

FINDINGS AND ORDER

LAW OFFICE OF REZAI AND ASSOCIATES

Non-appearance due to lack of affidavit of hearing representative
Attorney for applicant

BRADFORD & BARTHEL

By: Rachel R. Rainey
Attorney for defendant

The above entitled matter having been heard and regularly submitted, the
Honorable **CHARLES W. ELLISON II**, Workers' Compensation Judge, now makes his
decision as follows:

FINDINGS OF FACT

1. Samuel Valenzuela, born January 17, 1963, was not an employee of Ralph Collazo Packing during the period alleged of July 1, 2012 through July 1, 2013.
2. Samuel Valenzuela did not sustain injury arising out of and in the course of employment.
3. Applicant's claim is barred by the statute of limitations.

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ORDER

IT IS ORDERED that applicant take nothing by way of this claim.

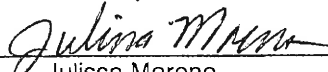
DATED: October 29, 2015



CHARLES W. ELLISON II
WORKERS' COMPENSATION JUDGE

Served by mail on all persons shown
on the official Address Record.

Dated: 10-29-15

BY: 
Julissa Moreno

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

Case No. ADJ9813993

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OPINION ON DECISION

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ADMISSIBILITY OF EXHIBITS

Defendant's objection to admissibility of applicant exhibit 1 is overruled and the document is admitted. Although arguably it is not relevant to the specific issues raised, it does establish that applicant's attorney confirmed that the claim had been denied.

EMPLOYMENT

Based on defendant's exhibits A, B, C and D, it is found that applicant was not an employee of Ralph Collazo Packing during the continuous trauma period alleged.

INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT

Even assuming applicant was an employee during the period alleged in the application for adjudication of claim, there is no substantial evidence submitted establishing an injury to any of the alleged body parts occurred. No medical evidence was submitted by either party.

STATUTE OF LIMITATIONS

Labor Code § 5405 provides in pertinent part:

"The period within which proceedings may be commenced for the collection of the benefits...is one year from any of the following:

(a) The date of injury...."

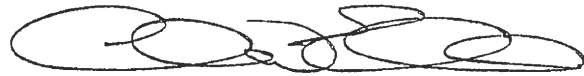
As the application for adjudication of claim was filed greater than one year from the ending date of the continuous trauma, it is barred.

In light of the above, it is found that applicant was not an employee of this employer during the time frame alleged; did not sustain an injury arising out of and in the course of employment and that his claim is further barred for failure to file the application for adjudication of claim timely.

ATTORNEY'S FEE

There are no funds from which to order an attorney's fee.

DATED: October 29, 2015



CHARLES W. ELLISON II
WORKERS' COMPENSATION JUDGE

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

10-29-2015

OFFICIAL ADDRESS RECORD

FINDINGS AND ORDER; OPINION ON DECISION
Case Number: ADJ9813993

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PACKING

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VALENZUELA