

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

4 **SALVADOR SANCHEZ,**

ADJ9511308

5 *Applicant,*

FINDINGS AND ORDERS

6 **v.**

7 **SOUTHWEST HARVESTING, INC.,**
8 **and STAR INSURANCE COMPANY**
9 **administered by MEADOWBROOK**
10 **INSURANCE GROUP,**

11 *Defendants.*

12 The above-entitled matter having been heard by and submitted for
13 decision to, Timothy Lee Haxton, Workers' Compensation Administrative Law
14 Judge, decision is made as follows:

15 **FINDINGS**

16 1. Applicant, born 7/2/68, claims to have sustained injury, arising
17 out of and occurring in the course of employment, to his heart and circulatory
18 system while employed on 1/20/14 as a foreman, at Salinas, California, by
19 Southwest Harvesting.

20 2. At the time of the alleged injury, the employer's workers'
21 compensation carrier was Star Insurance Company with claims administered
22 by Meadowbrook Insurance Group.

23 3. The 6/22/15 report Juan Cesar Larach, MD, constitutes
24 substantial evidence that Applicant did not sustain the industrial injury alleged
25 herein; based thereon it is found that Applicant did not sustain an industrial
26 injury as alleged.

27 4. In that Applicant did not sustain an industrial injury, good cause
exists to deny the lien filed by the EDD for SDI benefits paid to Applicant.

O R D E R S

GOOD CAUSE APPEARING THEREFOR:

1 **1. IT IS HEREBY ORDERED that** Applicant take nothing by way of
the injury claim herein.

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2. IT IS ORDERED that lien filed by the EDD is hereby **DENIED.**



TIMOTHY LEE HAXTON
Workers' Compensation
Administrative Law Judge

SERVED: December 8, 2015
On all parties listed on the
Official Address Record.

By 
DINA GARCIA

1
2 **SALVADOR SANCHEZ**
3 **ADJ9511308**

4 **OPINION ON DECISION**

5 In his 6/22/15 report, Dr. Larach stated: No, "heart attack" event occurred,
6 Applicant's hypertensive heart disease is not industrially caused, the aortic
7 dissection was not the result of an industrial injury, and as such, any
8 consequences of the aortic dissection were not the result of an industrial injury.

9 Dr. Larach reviewed Applicant's medical record which was large and
10 complex, as well as having performed an evaluation of Applicant. The doctor's
11 opinions seemed to be well-reasoned and are supported by the medical record as
12 reviewed in his report. There was no medical evidence submitted to the contrary.
13 As such, it is found that Applicant did not sustain the industrial injury as alleged.

14 In that Applicant did not sustain a work injury; there is no basis for
15 granting the lien filed by the EDD. Therefore, said lien is denied.

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TIMOTHY LEE HAXTON
Workers' Compensation
Administrative Law Judge

TLH/dg

1 STATE OF CALIFORNIA
2 DIVISION OF WORKERS' COMPENSATION
3 WORKERS' COMPENSATION APPEALS BOARD

4 SALVADOR SANCHEZ,

CASE NO. ADJ9511308

5 Applicant,

SALINAS DISTRICT OFFICE

6 vs.

MINUTES OF HEARING

7 SOUTHWEST HARVESTING INC. and
8 STAR INSURANCE COMPANY by
MEADOWBROOK INSURANCE GROUP,

9 Defendants.

10 LOCATION: Salinas, California

11 DATE AND TIME: 11/19/15, 9:30 a.m. to 9:40 a.m.

12
13 Judge: TIMOTHY LEE HAXTON, W.C.A.L. Judge

14 Reporter: ERLINDA M. BUSBY, Hearing Reporter

15 Appearances: APPLICANT not present represented by
RUCKA, O'BOYLE, et al., by
16 SANDRA L. ROCCA, Attorney at Law

17 DEFENDANTS represented by
BRADFORD & BARTEL by
18 AMIR F. ADIL, Attorney at Law

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21 **DISPOSITION:** The matter stands submitted.
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5pp

1 The following facts are admitted:

2 1. Applicant, born 7/2/68, claims to have sustained injury
3 AOE/COE to his heart and circulatory system while employed on
4 1/20/14 as a foreman at Salinas, California, by Southwest
5 Harvesting.

6 2. At the time of the alleged injury, the employer's workers'
7 compensation carrier was Star Insurance Company, administered by
8 Meadowbrook Insurance Group.

9 3. No attorney's fees have been paid, and no attorney fee
10 arrangements have been made.

11 4. Defendant made a timely denial of Applicant's injury claim.

12 ISSUES: (a) Injury AOE/COE.

13 (b) Lien of the EDD for SDI benefits paid during the
14 period 1/27/14 through 6/8/14 at the rate of \$601
15 per week in the total amount of \$11,419


16 (c) Attorney's fees.

17 The parties agree that the stipulations and issues have been
18 properly stated by the WCJ.

19 **E X H I B I T S**

20 JOINT EX. J-1: QME Report, Juan Cesar Larach, M.D., 6/22/15.

21 The parties agree that the exhibits have been properly identified by
22 the WCJ.

23 
24 TIMOTHY LEE HAXTON
25 WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

26 SERVICE AS SHOWN ON THE
27 OFFICIAL ADDRESS RECORD
28 DATE: 12/8/15

29 BY: 

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

12-08-2015

OFFICIAL ADDRESS RECORD

Case Number: ADJ9511308

BRADFORD BARTHEL SAN JOSE	Law Firm, 2841 JUNCTION AVE STE 114 SAN JOSE CA 95134, E-DOCS@BRADFORDBARTHEL.COM
MEADOWBROOK INSURANCE LAS VEGAS	Insurance Company, 10100 W CHARLESTON BLVD STE 200 LAS VEGAS NV 89135, JOSEPH.SGRO@MEADOWBROOK.COM
RUCKA OBOYLE SALINAS	Law Firm, 245 W LAUREL DR SALINAS CA 93906
SALVADOR SANCHEZ	Injured Worker, 14 NOGAL CIRCLE SALINAS CA 93905

11/19/15 MOH and F&O served on above parties.