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

Case No. ADJ9724979

EDUARDO TORRES,

*Applicant,*

vs.

**FINDINGS AND ORDER**

**EXPLORER INSURANCE COMPANY/ICW  
GROUP;**

*Defendants.*

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

**FINDINGS OF FACT**

1. Eduardo Torres, born 3/16/1980, while employed during the period 7/14/2013 through 7/14/2014 as a maintenance worker, at Van Nuys, California by [REDACTED] insured by The Explorer Insurance Company of the ICW Group, did not sustain injury arising out of and in the course of said employment to the back, left shoulder, and left knee.


**ORDER**

**IT IS HEREBY ORDERED** that Applicant shall take nothing further from the claims filed herein.

Date: January 4, 2016



**Peter M. Christiano**  
**WORKERS' COMPENSATION**  
**ADMINISTRATIVE LAW JUDGE**

Served on all parties on the  
Official Address Record  
01/04/15 *Vanessa Campos*

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CASE NUMBER: ADJ9724979

EDUARDO TORRES

-vs.-

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EXPLORER INSURANCE  
COMPANY/ICW GROUP;

WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE:

Peter M. Christiano

DATE:

January 4, 2016

OPINION ON DECISION

INJURY AOE/COE:

Applicant testified in a rather confused and non-credible way concerning the events surrounding the alleged injury and the treatment Applicant alleges he had because of those events. The events Applicant points to surrounding this injury lack a significant amount of specificity to lend credence to their occurrence and are not supported by any corroborating evidence. The only medical evidence submitted to substantiate the injury in question is the panel QME report (*Applicant's Exhibit 1*) which relies heavily upon Applicant's subjective complaints and uncorroborated evidence surrounding the injury in question. Applicant's testimony at trial was not credible surrounding the alleged injury and the events leading up to, and including, his last day of work at ██████████. As a result of this non-credible testimony, this court cannot rely upon the medical report from the panel QME to support a claim of injury as alleged.

In contrast, this court can rely upon the more credible testimony of the employer witnesses Mr. ██████████, Mr. ██████████, and Mr. ██████████ which contradict Applicant's rendition of the facts surrounding the injury in question. Additionally, Applicant contradicts his own claim of injury when he signed the termination notice on 6/11/2014. Applicant's explanation regarding his signing of this document was not credible or believable, and was directly contradicted by the more credible testimony of the employer witnesses present that day.

As a result of all of the above, it is found that Applicant failed to meet his burden of proof on the threshold issue of injury arising out of and occurring in the course of his employment with ██████████.

Date: January 4, 2016



Peter M. Christiano  
WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE