

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

AUBREY STROUD,

*Applicant,*

vs.

COCA-COLA COMPANY, PSI;  
Adjusted by SEDGWICK,

*Defendants.*

Case No. ADJ9007778 (M/F)  
ADJ9017806

**FINDINGS, ORDERS AND AWARD**

DONALD H. JOHNSON, Workers' Compensation Administrative Law Judge, Finds,  
Orders and Awards as follows:

**FINDINGS OF FACT**

1. In ADJ9007778, Applicant, Aubrey Stroud, born July 14, 1954, while employed on October 7, 2010 as a service technician, Occupational Group 350, at Bakersfield, California, by the Coca-Cola Company, sustained injury arising out of and in the course of employment to the low back.
2. In ADJ9017806, Applicant, Aubrey Stroud, born July 14, 1954, while employed over the period from March 10, 1981 to June 10, 2013 as a service technician, Occupational Group 350, at Bakersfield, California, by the Coca-Cola Company, did not sustain injury arising out of and in the course of employment to the low back or either hip.
3. For ADJ9007778, at the time of injury, Applicant's earnings were \$1,001.80 per week, warranting indemnity rates of \$667.87 per week for temporary disability, and \$230.00/270.00 per week for permanent disability.
4. For ADJ9017806, at the time of injury, Applicant's earnings were \$1,212.05 per week, warranting indemnity rates of \$808.03 per week for temporary disability, and \$230.00/270.00 per week for permanent disability.
5. Employment Development Department (EDD) served their lien for ADJ9007778 on Defendant on December 30, 2013.
6. For ADJ9007778, Defendant paid permanent disability on March 27, 2015 of \$586.50 for the period from April 7, 2014 to April 24, 2014.

7. The injury in ADJ9007778 was permanent and stationary on November 1, 2013.
8. There is insufficient evidence to determine whether the injury in ADJ9007778 caused any temporary disability.
9. Permanent disability in ADJ9007778 is apportioned ten percent (10 %) to that injury.
10. The injury in ADJ9007778 caused permanent disability of one percent (1%) after adjustment for age, occupation and apportionment, equivalent to 3.00 weeks of indemnity at \$230.00 per week commencing on November 1, 2013, for a total of \$690.00.
11. For ADJ9007778 considering the permanent disability entitlement only, EDD is entitled to recover \$607.20 on their lien, plus interest per Unemployment Insurance Code §2629.1.
12. Applicant is in need of further medical treatment to cure or relieve the effects of the injury in ADJ9007778.
13. The reasonable value of the service of Applicant's attorney is \$82.80.

## **ORDERS**

IT IS ORDERED that:

1. The issue of temporary disability is ordered off calendar, with jurisdiction reserved.
2. The issue of EDD's entitlement to reimbursement for any period of Applicant's entitlement to temporary disability in ADJ9007778 is ordered off calendar, with jurisdiction reserved.
3. Defendant is allowed credit per Finding number 6 against their liability to pay permanent disability to Applicant in ADJ9007778.
4. Defendant is to reimburse EDD \$607.20 per Finding number 11, with Defendant allowed credit of \$20.70 which is the amount of permanent disability otherwise owing to the Applicant after subtraction of the attorney fees per Finding number 13.

## AWARD

**AWARD IS MADE** in favor of Aubrey Stroud against Coca-Cola Company as follows:

- (a) Reimbursement to EDD by Defendant of \$607.20, plus interest, per Finding number 11, with Defendant granted credit as above.
- (b) Permanent disability indemnity per Finding number 10, less Attorney fees per Finding number 13, less prior payments per Finding number 6, and less \$20.70 which is included in Defendant's reimbursement to EDD.
- (c) Further medical treatment per Finding number 12.
- (d) Attorney fees per Finding number 13, to be paid as a lump sum to Law Offices of Joseph Pluta.

DATE: December 1, 2016



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DONALD H. JOHNSON  
WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE

SERVED: ON ALL PARTIES AS SHOWN ON THE ATTACHED SERVICE ROSTER

BY:



ON: December 1, 2016

### SERVICE ROSTER 12/01/2016

**Case Number:** ADJ9007778

**FINDINGS ORDERS AND AWARD WITH OPINION ON DECISION**

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AUBREY STROUD

ADJ9007778

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**SERVICE ROSTER 12/01/2016**

**Case Number:** ADJ9017806

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