

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

CASE NUMBER: ADJ9367193

KEVIN JOSEPH

-vs.-

JPK ENTERPRISES, INC.;
EMPLOYERS
COMPENSATION
INSURANCE COMPANY,

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE: **Vincenti Blas**

DATE: April 21, 2015

OPINION ON DECISION

INTRODUCTION

The main issue presented before this court is injury AOE/COE. After hearing the testimony and reviewing the documentary evidence the Court issues its decision.

BACKGROUND

Applicant worked as a baker. Applicant claims that he injured his right shoulder while lifting a 50lb. sack of flour. Applicant claims he reported this incident to a supervisor and no action on the part of the employer was ever taken.

The employer testified that he was initially advised that the applicant sustained a sports injury to his shoulder and that his first notice of an industrial claim was in January of 2015.

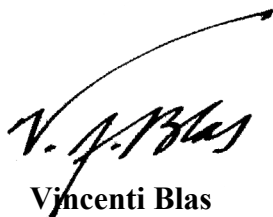
DISCUSSION

The Court is not going to get involved in a blow-by-blow discussion of the witnesses' credibility. This is clearly a case of credibility. After reviewing the evidence the court is of the impression that applicant has not met his prima facie burden under Labor Code §5705. As such the Court finds that applicant did not sustain injury AOE/COE and all other issues are moot.

CONCLUSION

Applicant has failed to meet his prima facie burden under Labor Code §5705. As such the Court finds that applicant did not sustain injury AOE/COE. All other issues are moot.

DATE: April 21, 2015



Vincenti Blas
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE