

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

Case No. ADJ15293248

[REDACTED],

Applicant,

vs.

[REDACTED];

Defendants.

**FINDINGS OF FACT
AND
FINDINGS AND ORDER**

*LAW OFFICES OF G. JOHN JANSEN &
ASSOCIATES, PLC
By: JOHN McKENNA (via teleconference)
Attorney for Applicant*

*COLANTONI, COLLINS, MARREN, PHILLIPS &
TULK, LLP
By: CHAUNDRA VIDA KOVICH (via teleconference)
Attorney for Defendants*

The above-entitled matter having been heard, and Amended Minutes of Hearing having been duly-issued, the Honorable Nate Halprin, Workers' Compensation Administrative Law Judge, now decides as follows:

FINDINGS OF FACT

1. [REDACTED], born November 15, 1991, while employed during the period June 1, 2020 through July 18, 2021, by [REDACTED], did not sustain injury arising out of and in the course of employment to the neck, back, knees, shoulder or feet.

ORDER

Applicant [REDACTED] take nothing by way of her claim herein.

DATE: June 21, 2022



Nate Halprin

WORKERS' COMPENSATION JUDGE

*Service to parties listed below
at addresses listed on the
Official Address Record.
ON: 062122 BY: jacjohn*

COLANTONI COLLINS LADERA RANCH, Email
JOHN JANSEN SANTA ANA, US Mail
[REDACTED], US Mail
[REDACTED], US Mail
[REDACTED], US Mail

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

ADJ15293248

██████████ v. ██████████
██████████

OPINION ON DECISION

This matter proceeded to Trial on May 19, 2022. At trial, the parties stipulated in pertinent part as follows:

1. ██████████, born November 15, 1991, while employed during the period June 1, 2020 through July 18, 2021 by ██████████, claims to have sustained injury arising out of and in the course of employment to the neck, back knees, shoulder, and feet.
2. No attorney fees have been paid and no attorney fee arrangement have been made.

The issue submitted for decision was:

1. Injury arising out of and in the course of employment.

INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT

California Labor Code section 3202.5 provides in pertinent part that: "All parties and lien claimants shall meet the evidentiary burden of proof on all issues by a preponderance of the evidence in order that all parties are considered equal before the law..." (California Labor Code section 3202.5)

In Zenith Insurance Company v. Workers' Comp. Appeals Bd. (Capi) (2006) the Court of Appeal, citing sections 3202.5 and 5705, declared: "In workers' compensation matters, the burden of proof rests on the party or lien claimant 'holding the affirmative of the issue.' (Lab. Code, §

5705; see § 3202.5)...” (Zenith Insurance Company v. Workers’ Comp. Appeals Bd. (Capi) (2006) 138 Cal.App.4th at p. 376.).

The court now renders its Findings and Opinion.

The court finds that applicant [REDACTED] has failed to carry her burden of proving that she sustained injury arising out of and occurring within the course of employment.

DATE: June 21, 2022



Nate Halprin

WORKERS’ COMPENSATION
ADMINISTRATIVE LAW JUDGE

[REDACTED]