

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

GABRIELA GARCIA,

Applicant,

vs.

**MERCURY PLASTICS, INC., OLD
REPUBLIC INSURANCE COMPANY,
adjusted by GALLAGHER BASSETT
SERVICES, INC.,**

Defendant,

Case No. **ADJ10041255**
Santa Ana District Office

**FINDINGS & ORDER
AND
OPINION ON DECISION**

RSNYDER LAW FIRM

By: Andrew Pryor
Attorneys for Applicant

FLOYD, SKEREN & KELLY

By: Jeffrey R. Slomann
Attorneys for Defendant

The above-entitled matter having been heard and regularly submitted, the Honorable Judge Robin Beth Leviton, Workers' Compensation Administrative Law Judge, now decides as follows:

FINDINGS OF FACT

1. The applicant, *Gabriela Garcia*, born on August 9, 1976, while employed through her last day of work, December 12, 2014, as a machine operator, Occupational Group Number 360, at City of Industry, California, by Mercury Plastics, whose employer's workers' compensation carrier was Old Republic Insurance Company adjusted by Gallagher Bassett Services, Inc., claims to have sustained injury arising out of and in the course of employment to her back, neck, shoulders, fingers, hands, wrists, arms, legs, feet, chest, respiratory, head, ears, sleep disorder and psyche/anxiety.

2. The applicant's testimony lacked credibility.

3. Based on applicant's lack of credibility and the opinion of Panel QME, Ramon Bagby, M.D., it is found that applicant did not suffer an industrial cumulative trauma injury through her last day of work at Mercury Plastics.

ORDER

IT IS ORDERED that applicant shall take nothing on his claim in accordance with paragraph Nos. 3 and 4 above.

Dated in Santa Ana on January 23, 2018

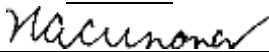


ROBIN BETH LEVITON
WORKERS' COMPENSATION JUDGE

A Petition for Reconsideration from this Decision shall be filed only at the Santa Ana District Office of the Workers' Compensation Appeals Board.

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DATED: 1/23//2018

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adjusted by GALLAGHER BASSETT,**

**ROBIN BETH LEVITON
Workers' Compensation Judge**

OPINION ON DECISION

The only issue in this case is whether applicant suffered a cumulative trauma injury to her back, neck, shoulders, fingers, hands, wrists, arms, legs, feet, chest, respiratory, head, ears, sleep disorder and psyche/anxiety while employed through her last day of work, December 12, 2014 with Mercury Plastics.

The applicant was not found to be credible. She was impeached by the defendant on cross-examination and her testimony regarding her symptoms and development of the symptoms appear to be grossly exaggerated. Most telling is that the contemporaneous medical evidence does not support her testimony.

Further, the Panel QME, Ramon Bagby MD also found no industrial injury based on physical exam, record review and review of subrosa films.

Based on the above, the applicant has presented no substantial evidence that she suffered from a cumulative trauma injury while employed at Mercury Plastics. The applicant is to take nothing on her claim.

Dated in Santa Ana on January 23, 2018

RBL/ nac



**ROBIN BETH LEVITON
WORKERS' COMPENSATION JUDGE**