

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

Case No. ADJ10187071

FREIH HADDAD,

Applicant,

vs.

**FLOYD'S 99 COLORADO, LLC, FLOYD'S 99
COLORADO, LLC;
INSURANCE CO OF THE WEST SAN
DIEGO;**

Defendants.

FINDINGS AND AWARD

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

FINDINGS OF FACT

1. FREIH HADDAD born on 12-15-1967 while employed on 07/15/2015 or during the period 07-15-2015 through 10-25-2015 as a hair stylist at Chatsworth, California, by FLOYD'S 99 COLORADO, LLC, whose workers' compensation insurance carrier was INSURANCE CO OF THE WEST SAN DIEGO, DID NOT sustain injury arising out of and occurring in the course of employment.

AWARD

AWARD IS MADE in favor of FLOYD'S 99 COLORADO, LLC, against FREIH HADDAD who shall take nothing by way of this claim.

Lynn A. Devine

DATE: 08/03/2017

Lynn Devine
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

Served by  all parties listed on the Official Court Record on the above date.

BY:

Rochelle Ransom

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

CASE NUMBER: ADJ10187071

FREIH HADDAD

-vs.-

**FLOYD'S 99 COLORADO,
LLC;
INSURANCE CO OF THE
WEST SAN DIEGO**

**WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE: Lynn Devine**

DATE: 08/03/2017

OPINION ON DECISION

INJURY AOE COE

On 11/12/2015 the applicant filed a claim of injury to his brain (headaches), chest, right hip and low back occurring between 07/15/2015 and 10/25/2015 while employed as a barber from experiencing what he claimed to be verbal abuse at work. The claim was denied.

On 11/21/2016 applicant then amended to the date of injury to 07/15/2015 claiming he was attacked by a coworker.

On 05/17/2017, the date of trial, applicant again amended his claim to an undetermined specific date of injury between 07/15/2015 and 08/07/2015, contending he sustained injury to his brain, in the form of headaches, psychiatric, hip and low back.

Multiple witnesses, former coworkers and supervisors testified giving evidence contrary to the testimony of the applicant whom the undersigned did not find to be a credible witness on his own behalf. Every point or statement the applicant made in his claim was met with credible and specific rebuttal testimony by the defense witnesses: Kimberly Horst, Erica Hartley, Natalie Galvez and

Mark Morgan, who the court all found to be very credible. Therefore, it is found that applicant DID NOT sustained any injury arising out of and occurring in the course of employment with Floyd's 99 Colorado LLC.

LABOR CODE §3600 (a) (10)

Labor Code §3600 (a) (10). Applicant's post-termination reporting of a specific injury is barred. At the termination interview the applicant failed to bring forth any complaints of any type of injury to either Erica Hartley, district manager or Kim Horst, site manager. In the end this appears to be a retaliatory claim.

LABOR CODE §3208.3

Labor Code §3208.3(e). Applicant failed the threshold on his burden of proof. The applicant offered no substantial evidence of psychiatric injury by any medical record or LC §4060 evaluation.

The applicant commenced employment at Floyds on 05/29/2015 and was terminated for cause on 10/21/2015, a period of 4 months and 23 days. There is no evidence that any exceptions to the 6-month rule exist under LC §3208.3 (d). There is no evidence that applicant suffered any psychiatric injury as a result of his employment at Floyd's 99 Colorado LLC.

DATE: 08/03/2017

Lynn A. Devine

Lynn Devine
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
OFFICIAL ADDRESS RECORD/ PROOF OF SERVICE
FINDINGS AND AWARD AND OPINION ON DECISION**

Case Number: ADJ10187071

EDD SDI VAN NUYS	Lien Claimant, PO BOX 10402 VAN NUYS CA 91410
FLOYD'S 99 COLORADO, LLC	Employer, 5340 S. QUEBEC ST. STE 205N GREENWOOD VILLAGE CO 80111
FREIH HADDAD	Injured Worker, 14007 PARTHENIA ST PANORMA CITY CA 91402
GREENUP HARTSTON LONG BEACH	Law Firm, 444 W OCEAN BLVD STE 1530 LONG BEACH CA 90802
GREENUP HARTSTON SHERMAN OAKS	Law Firm, 15060 VENTURA BLVD STE 100 SHERMAN OAKS CA 91403
HAMIDEH LAW LONG BEACH	Law Firm, 111 W OCEAN BLVD STE 424 LONG BEACH CA 90802, info@belalhamidehlaw.com
INSURANCE CO OF THE WEST SAN DIEGO	Claims Administrator, PO BOX 509039 SAN DIEGO CA 92150

SERVED BY ALL PARTIES LISTED ABOVE ON: 08/03/2017

BY:

Rosemary Rancat