



New Case Brief
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Maria Arciga v. WCAB (Kendall Jackson Wine Estates Ltd.)
2d Civil No. B185622 (WCAB# GRO30905)

Arciga worked as a seasonal farm worker for Kendall Jackson (KJ) Vineyards between May 1999 and Jan. 12, 2004. On January 5, 2004, she began pruning vines for the first time. Arciga's hands began to hurt on the third day of her pruning and the next day she complained to the foreman that her hands hurt. The vineyard company terminated her on Jan. 12 for failing to meet its production quotas.

Arciga filed a workers' compensation claim on April 21, 2004 after the 30-day limit set forth in LC Section 5400. The WCJ found her claim was barred because she filed it after she was terminated. Arciga petitioned the appeals court for writ of review after the WCAB denied her claim for workers' compensation benefits. The 2d District Court denied her appeal, but the state Supreme Court transferred the matter back with directions for the 2d District judges to vacate their order and issue a writ of review.

"We remand the matter to the board to reconsider whether... Arciga knew she had sustained cumulative trauma before KJ terminated her from work under LC section 5412," the appellate court wrote. "It would be unreasonable to expect a farm worker like Arciga, with limited education, to understand the concept of cumulative trauma... Where there is doubt about whether a worker has sustained industrial injury, the determination whether a worker is entitled to workers' compensation must favor the worker."

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