NASHVILLE PREDATORS; COLORADO ALANCHE; PHILADELPHIA FLYERS; EDERAL INSURANCE COMPANY, PETER FORSBERG, WORKERS COMPENSATION APPEALS BOARDSTATE OF CALIFORNIAPETER FORSBERG, Applicant,vs.NASHVILLE PREDATORS; COLORADO ALANCHE; PHILADELPHIA FLYERS;EDERAL INSURANCE COMPANY, Defendants.Case No. ADJ8710981(Oxnard District Office)OPINION AND DECISION AFTER RECONSIDERATIONApplicant claims he sustained cumulative industrial injury to multiple body parts while working for the defendants as a professional hockey player from January 21, 1995 through and including February 14, 2011.1 We previously granted his petition for reconsideration of our earlier October 27, 2014 Opinion And Order Granting Reconsideration And Decision After Reconsideration (Decision), which reversed the August 12, 2014 Findings Of Fact of the workers compensation administrative law judge (WCJ) and entered new findings that California did not have a legitimate interest in applicants cumulative injury that was sufficient to support the WCABs jurisdiction over defendants, citing as authority the decision of the Court of Appeal in Federal Insurance Co. v. Workers Comp. Appeals Bd. (Johnson) (2013) 221 Cal.App.4th 1116 [78 Cal.Comp.Cases 1257] (Johnson).In a dissenting opinion in the October 27, 2014 Decision (Decision dissent), Commissioner Sweeney wrote that she would affirm the WCJ because California has a legitimate and substantial interest in assuring that workers injured in the course of performing employment duties within the state receive workers compensation, and the WCAB has jurisdiction over the defendants in this case because 1Applicants other claim in ADJ9236280 of specific injury to the spleen while playing hockey for defendant while in Los Angeles on May 6, 2001 was not before us at the time of the earlier Decision and is not before us at this time. , there is more than a de minimis connection between applicants work in California and his claimed cumulative injury.Applicant contends that the panel should have affirmed the WCJs August 12, 2014 finding that the California Workers Compensation Appeals Board [WCABJ has jurisdiction over this matter.Defendant filed an opposition to applicants petition.Upon reconsideration of the record, including the WCJs September 10, 20014 Report And Recommendation On Petition for Reconsideration. (Report), all the pleadings filed by the parties, the Decision and Decision dissent, and for the reason expressed in the Report and Decision dissent, both of which are incorporated by this reference, and for the reasons below, the WCJs August 12, 2014 finding of WCAB jurisdiction is reinstated and affirmed as the Decision After Reconsideration. California has a legitimate and substantial interest in assuring that employees injured while working in this state receive workers compensation, and the connection between the claimed injury and California is more than de minimis and is sufficient to support WCAB jurisdiction over defendants.DISCUSSIONAs discussed

in the Decision dissent, it is the express social public policy of California to assure that workers injured in the state receive workers compensation. (Cal. Const., Article XIV, § 4; Lab. Code, § 3202 [the Act is to be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment]; Lab. Code, § 5300,5301; Daily v. Dallas Carriers C01p. (1996) 43 Cal.App.4th 720, 726 [61 Cal.Comp.Cases 216]; McKinley v. Arizona Cardinals (2013) 78 Cal.Comp.Cases 23, 27 (Appeals Board en bane).)Through its plenary power the Legislature created one exemption from the provisions of Californias workers compensation law for out-of-state employers and employees, like applicant, who are hired outside of the state and temporarily working in California. (Former Lab. Code,//////////, § 3600.5(b).)2 For the former section 3600.5(b) exemption to apply, ~e employer must show that it has similar workers compensation coverage under the laws of another sta~e that cover the employees work while in this state, and that the other state recognizes Californias extrJterritorial provisions, and that the other state likewise exempts California employers and employees from the application of its workers compensation laws. (Ibid; Carroll v. Cincinnati Browns (2013) 78 CallComp.Cases 655 (Appeals Board en bane) (Carroll).) In short, to obtain the former section 3600.5(b) exemption the employer must prove that similar workers compensation is available to the injured worker on a reciprocal basis in another state. That requirement is consistent with Californias established social public policy that workers injured in the state receive workers; compensation. (Cf. Lab. Code, §§ 3700 [Every employer except the state shall secure the payment of compensation ...] et. seq.)Defendant does not claim a statutory exemption from the application of Californias workers compensation laws as allowed by former section 3600.5(b), and the record does not support such an exemption. There is no evidence of similar workers compensation coverage under the laws of another state that covered applicants work while in California, and there is no evidence of another state that recognizes Californias extraterritorial provisions, and likewise exempts California employers and employees from the application of its workers compensation laws. (Former Lab. Code, § 3600.5(b); Carroll, supra.)With no evidence allowing the statutory exemption from liability for workers compensation under California law, defendant instead asserts that its right to due process under the United States 3Former section 3600.S(b) provided in pertinent part as follows: Any employee who has been hired outside of this state and his employer shall be exempted from the provisions of this division while such employee is temporarily within this state doing work for his employer if such employer has furnished workmens compensation insurance coverage under the workmens

compensation insurance or similar laws of a state other than California, so as to cover such employees employment while in this state; provided, the extraterritorial provisions of this division are recognized in such other state and provided employers and employees who are covered in this state are likewise exempted from the application of the workmens compensation insurance or similar laws of such other state.Section 3600.5 was subsequently amended to specifically address claims by certain professional athletes, but those amendments only apply to claims filed on or after September 15, 2013, and the claim in this case was filed before that date. (Lab. Code, 3500.5(h).) The new quantum requirement established by the Legislature is similar to those of some other states, such as New Jersey, which had previously established a statutory quantum for workers compensation jurisdiction. (See, NJSA 34:15-3l(a) [injury must be proven to be caused in a material degree to occupational exposure within the state]; Williams v. Port Authority of New York (2003) 175 N.J. 82; 813 A2d 531.) , Constitution would be violated if it is held liable in California for applicants cumulative injury, citing Johnson. We do not agree.In Johnson, the Court of Appeal addressed a claim of cumulative injury that was before the WCAB based upon the employees participation in one womens professional basketball game in California. In holding that the WCAB did not have jurisdiction over the employees injury as a matter of constitutional due process, the Court wrote that it concluded that California did not have a legitimate interest in the injury because the connection between the injury and the state could not be traced factually to one game and was at best de minimis. (Johnson, supra, 221 Cal.App.4th at 1130, emphasis in original.)3The record in this case shows that the connection between the claimed cumulative injury and California is not de minimis. De minimis is plainly defined as trifling and minimal, and something so insignificant that a court may overlook it in deciding an issue or case. (Blacks Law Diet. (7th ed. 1999) p. 443, col. 1.) The concept that something is so insignificant it can be summarily overlooked as amatter of judicial discretion is classically encompassed in the Latin phrase de minimis non curat lex, and it is embodied in Californias Maxims of Jurisprudence in Civil Code section 3533, which states in full: The law disregards trifles. This concept of de minimis has been applied by California courts incases where the amount of money involved in the case is so trifling that the claim may be overlooked as insignificant as a matter of judicial discretion. (Davidson v. Devine (1 886) 70 Cal 519 [one cent is 3The opinion in Johnson references a statement in Professor Larsens treatise that the test [of jurisdictional authority] is not whether the interest of the forum state is relatively greater, but only whether it is legitimate and substantial in itself. (Johnson,

supra, 221 Cal.App.4th at 1124, citing 9 Larson,§ 142.03[5], p. 142-9, fn. omitted, emphasis added.) As discussed herein, the holding in Johnson implicitly recognizes that California has a substantial interest in an injury if there is more than a de minimis connection to the state. That view is consistent with the Supreme Courts construction of the language in Government Code section 31720 which provides for a service-connected disability pension only if the employees incapacity is a result of injury or disease arising out of and in the course of the members employment, and such employment contributes substantially to such incapacity. (Emphasis added.) As held by the Supreme Court, the statutory standard of contributes substantially is far less restrictive than a tort definition of probable cause, and it is met ifthe evidence shows a real and measurable connection between the disability and the employment that is more than infinitesimal or inconsequential. (Bowen v. Board of Retirement (1986) 42 Cal.3d 572, 578, fu. 4 [51 Cal.Comp.Cases 639] citing Gatewood v. Board of Retirement (1985) 175 Cal.App.3d 311, 319 and DePuy v. Board of Retirement (1978) 87 Cal.App.3d 392.) Prior to the amendment of section 3600.5(b), the California workers compensation statutes included no requirement as to the quantum of injurious exposure that must be found to have occurred within the state in order to support WCAB jurisdiction over a cumulative injury. (See footnote 2, supra.) In any event, determinations of the WCAB are to be based upon the workers compensation statutes and law, and not upon disability retirement law. (Pearl v. Workers Comp. Appeals Bd. (2001) 26 Cal.4th 189 (66 Cal.Comp.Cases 823].) , trifling]; Wolff v. Prosser (1887) 73 Cal. 219 [$10.00]; Moore v. Boyd (1887) 74 Cal. 167 [$1.40]; Brady v. Ranch Mining Co. (1907) 7 Cal.App. 182 [$12.75]; Barry v. Slattery (1932) 119 Cal.App. 727 [$10.00].)4It is apparent that the value of the workers compensation benefits at issue in this case is neither trifling nor insignificant and cannot be declared de minimis as encompassed within Civil Code section 3533 as a matter of judicial discretion or otherwise.Nor can it be said that the injurious exposure applicant sustained while working in California was a de minimis cause of his cumulative injury. Indeed, defendant does not dispute that applicants injurious exposure while working in California contributed to causing a cumulative trauma injury. (Petition, 8:25-28 [Is the Respondents play in California part of the continuous trauma that ultimately became an injury later on well after he left the state? Yes].) The evidence supports that admission.In his June 15, 2014 declaration (Joint Exhibit 5) and during his November 27, 2012 deposition (Joint Exhibit 7), applicant described the numerous injuries and traumas he sustained in the course of his employment by defendant, including sprains and strains to multiple body parts, broken bones, lost teeth and concussions.

He further described some of the medical treatment he received while in California, including an evaluation of a work-related hernia that ultimately required surgery (ibid, 83: 10-84: 10; Joint Exhibit 3), injections of Toradol to relieve groin pain during two play-off games against the Los Angeles Kings (ibid, 50:6-22), the need for evaluation by a physician in Los Angeles after those playoff games (ibid, 84:8-10), and a subsequent splenectomy (ibid, 48:24-49:2).Applicants testimony is supported by the September 13, 2013 report of the parties orthopedic Agreed Medical Evaluator, S. Sanford Kornblum, M.D. (Joint Exhibit 6.) In that report, Dr. Kornblum on pages 25-30 diagnoses applicant with cumulative injury to multiple body parts, including injuries to the feet and ankles (90% due to continuous trauma), left shoulder (50% due to continuous trauma), left 4However, California courts have also Jong recognized that the Civil Code section 3533 de minimis exception does not apply when the issue to be determined involves a partys rights. (Adams v. Minor (1898) 121 Cal 372 Oudge disqualified notwithstanding trifling pecuniary interest in case]; Allen v. Stowell (1905) 145 Cal. 666 [maxim not applicable when mandatory injunction sought to abate nuisance]; Arkley v. Union Sugar Co. (1905) 147 Cal 195 [maxim not applicable in action to determine certain rights under lease].) , wrist (10% due to continuous trauma), concussions (100% due to continuous trauma), and lumbar spine (75% apportioned to continuous trauma while working in the National Hockey League).Applicant sustained numerous blows to his head and body during the employers regular trips to California for multiple games. The toll those activities took on applicants body led the employers to provide a variety of treatment modalities, including injections of painkillers. Applicant testified to the many times he was unable to work because of the injuries he sustained in the course of his employment. Moreover, the teams employed physicians and travelled with medical support personnel for the very reason that the employment involved such physically punishing work the employees had ongoing need for regular medical treatment.The record shows that it is reasonably probable that applicant sustained cumulative traumaindustrial injury because of his work as a hockey player, and it further shows that the injurious exposure he sustained while working in California was more than a trifling cause of that injury. (McAllister v. Workers Comp. Appeals Bd. (1968) 69 Cal.2d 408 [33 Cal.Comp.Cases 660]; Rosas v. Workers Comp. Appeals Bd. (1993) 16 Cal.App.4th 1692 [58 Cal.Comp.Cases 313].)Notwithstanding the evidence that the injurious exposure applicant sustained while working in California was more than a de minimis of his cumulative injury, defendant argues that the WCAB has no jurisdiction over the claim for workers compensation because applicant was not in California on the date of injury defined in Labor Code se

ction 5412.5 Defendants argument concerning the section 5412 date of injury is based upon an erroneous understanding of the purpose of that section. (Milwaukee Bucks v. Workers Comp. Appeals Bd. (Mason) (2013) 78 Cal. Comp. Cases 1I73 (writ den.) [no reasonable basis for employers contention that it was not liable for cumulative injury because section 5412 date of injury occurred after the injured worker left employment]; Toronto Raptors v. Workers Comp. Appeals Bd. (Foster) (2013) 78 Cal. Comp. Cases 1188 [same].)/// 5Further statutory references are to the Labor Code unless otherwise stated. Under Federals theory, no injured worker who first suffers disability after moving out of California could claim workers compensation in this state, and an injured worker would be precluded from filing a claim in any other state if all the injurious exposure occurred in California. , Section 5412, provides in full as follows:The date of injury in cases of occupational diseases or cumulative injuriesis that date upon which the employee first suffered disability therefrom andeither knew, or in the exercise of reasonable diligence should have known,that such disability was caused by his present or prior employment.California law recognizes that, An injury may be either: (a) specific, occurring as the result of one incident or exposure which causes disability or need for medical treatment; or (b) cumulative, occurring as repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes any disability or need for medical treatment. (Lab. Code, § 3208.1, emphasis added.) Thus, there can be no date of injury, per se, for a cumulative injury because the injury occurs over a period of time, not on a specific date. This has long been recognized in California. As explained by the Court in Beveridge v. Industrial Acc. Com. (1959) 175 Cal.App.2d 592, 595 [24 Cal.Comp.Cases 274]:The fact that a single but slight work strain may not be disabling does notdestroy its causative effect, if in combination with other such strains, itproduces a subsequent disability. The single strand, entwined with others,makes up the rope of causation.The fragmentation of injury, the splintering of symptoms into small pieces,the atomization of pain into minor twinges, the piecemeal contribution ofwork-effort to final collapse, does not negate injury. The injury is stillthere, even if manifested in disintegrated rather than in total, singleimpact. (Emphasis added.)In determining whether a cumulative injury claim is timely filed within the limitations periods set forth in sections 5405, 5407 and 5410, the date of injury for that purpose is established by section 5412 as, that date upon which the employee first suffered disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment. (Fruehauf Corp v. Workmens Comp. Appeals Bd. (Stansbury

) (1968) 68 Cal.2d 569, 577 [51Cal.Comp.Cases375] (Stansbury).) The date of injury as described in section 5412 is not when the cumulative injury is caused. Instead, the section 5412 date of injury is the date on which the injury manifests itself through disability and the employee knows that the disability is caused by industrial injury. That is different than the dates on which the cumulative injury was in fact caused by, injurious exposure. (J T Thorp v. Workers Comp. Appeals Bd. (Butler) (1984) 153 Cal.App.3d 327, 341 [49 Cal.Comp.Cases 224) (Butler).) As the Court wrote in Butler:The date of injury is a statutory construct which has no bearing on thefundamental issue of whether a worker has, in fact, suffered an industrialinjury ... [T]he date of injury in latent disease cases must refer to a periodof time rather than to a point in time. (citation.) The employee is, in fact,being injured prior to the manifestation of disability... [T]he purpose ofsection 5412 was to prevent a premature commencement of the statute oflimitations, so that it would not expire before the employee was reasonablyaware of his or her injury. (Butler, supra, 153 Cal.App.3d at p. 341,emphasis added; cf. Palmer v. Workers Comp. Appeals Bd. (1987) 192Cal.App.3d 1241 [52 Cal.Comp.Cases 298].)Determining the date of injury pursuant to section 5412 also is relevant to the determination of an individual employers liability for the cumulative injury as provided in section 5500.5, which now limits liability for a cumulative injury arising from more than one employment to the employers during the one year immediately preceding either the date of injury, as determined pursuant to Section 5412, or the last date on which the employee was employed in an occupation exposing him to the hazards of such ... cumulative injury, whichever occurs first. (Emphasis added.) The Legislature recognized in enacting section 5500.5 that there is a difference between the time period when an employee sustains cumulative injury due to injurious exposure, and the section 5412 date of injury when the employee has disability and knows that it is caused by cumulative industrial injury.The record shows that it is reasonably probable that applicant sustained cumulative trauma industrial injury in connection with his work as a professional hockey player while in California. That connection between applicants work within this state and the admitted injury is more than de minimis and California has a legitimate, fundamental public policy interest in adjudicating claims for workers compensation for injuries sustained within this state. The WCAB has jurisdiction to adjudicate applicants claim for workers compensation and the WCJs finding of jurisdiction is reinstated and affirmed./////////, For the foregoing reasons,IT IS ORDERED as the Decision After Reconsideration of the Workers Compensation Appeals Board that the Order substituting new Findings Of Fact that is contained in the earlier October 27, 2014 Opini

on And Order Granting Reconsideration And Decision After Reconsideration is RESCINDED, and the August 12, 2014 Findings Of Fact of the workers compensation administrative law judge that The California Workers Compensation Appeals Board has jurisdiction over this matter is reinstated and AFFIRMED.//, IT IS FURTHER ORDERED as the Decision After Reconsideration of the Appeals Board that the Order that applicant take nothing on his claim herein contained in the earlier October 27, 2014 Opinion And Order Granting Reconsideration And Decision After Reconsideration is RESCINDED, and the case is RETURNED to the trial level for further proceedings and decision in accordance with this decision.WORKERSCOMPENSATION APPEALS BOARD_____MARGARUERITE SWEENEYI CONCUR,_____RONNIE G. CAPLANEI DISSENT (See attached Dissenting Opinion),_____KATHERINE ZALEWSKIDATED AND FILED AT SAN FRANCISCO, CALIFORNIAMAR 25 2015SERVICE MADE BY MAIL ON ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES AS SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD:PETER FORSBERGHOWARD SILBERDEAN STRINGFELLOWJFS/abs, DISSENTING OPINION OF COMMISSIONER ZALEWSKII dissent for the reasons expressed in the October 27, 2014 majority Decision, which is incorporated by this reference. Applicants occasional temporary employment in California does not provide sufficient connection to his claimed injury to support the WCABs adjudication of his claim for workers compensation. The holding in Johnson is determinative. The test of jurisdictional authority to adjudicate a claim for workers compensation is whether the interest of the forum state is legitimate and substantial in itself. (Johnson, supra, 221 Cal.App.4th at 1124, quoting 9 Larson, § 142.03[5], p. 142-9, fn. omitted.) In this case, the connection between the claimed injury and the state is not sufficient for the WCAB to exercise jurisdiction over defendant.Applicant is not a resident of this state and was never regularly employed in this state. The employer is not located in this state. The large majority of applicants work duties were performed outside of California. The only connection between the claimed injury and this state is the fact that applicant temporarily came into California on occasion to play in hockey games. The question under Johnson is whether those games in California establish a legitimate and substantial connection between the injury and this state that supports the exercise of WCAB jurisdiction over defendants as a matter of due process. I conclude that they do not.Over his 12 year career as a professional hockey player applicant participated in 712 games while employed in the National Hockey League and nearly 300 games for his native country, Sweden. (Joint Exhibit 5, p. 19). However, only about 70 of the games (approximately 7%) were in California. (Joint Exhibit 6.) I do not agree that thi

s establishes a legitimate and substantial connection between the claimed injury and this state that supports the exercise of WCAB jurisdiction over defendant.In Johnson, the Court addressed the cumulative injury claim of a nonresident basketball player who was never employed by any California team, who played a single game in California, who sustained no specific injury in California, and who received no medical treatment in California. The Court held that, under those circumstances, California did not have a sufficient interest in the injury, stating among other things as follows:The effects of participating in one of 34 games do not amount to acumulative injury warranting the invocation of California law. As the, ÿcases show, a state must have a legitimate interest in the injury. A singlebasketball game played by a professional player does not create alegitimate interest in injuries that cannot be traced factually to one game.(Johnson, supra, 221 Cal.App.4th at I 130, emphasis in original.)Johnson does not provide a mathematical formula for determining if the WCAB has jurisdiction over a cumulative injury claim, and there is no bright line about how long an out-of-state employee must have worked in California. Instead, each claim must be assessed on a case-by-case basis. The factors relevant to that analysis appear to include, but are not necessarily limited to the following: (1) how long the injurious employment in California was in relation to the overall injurious employment (i.e., a quantitative factor); and (2) the extent to which the microtrauma in California causally contributed to the cumulative injury, e.g., whether the microtrauma sustained in the state was relatively long, intense, or severe in relation to the out-of-state work activities that also contributed to the cumulative trauma (i.e., a qualitative factor).In considering whether the state has a legitimate and substantial connection to the injury, I am also guided by the view of the Legislature at the time it amended section 3600.5 to specifically address claims by certain professional athletes.6 (See, footnote 5 in majority opinion, supra.) In the Assembly Floor Analysis of Assembly Bill 1309, the purposes of those amendments were described as follows:According to the author, out of state professional athletes are takingadvantage of loopholes in Californias workers compensation system tothe detriment of substantial California interests, and to the detriment ofCalifornia sports teams. Specifically, as a result of the last employer overwhich California has jurisdiction rule, and the absence of an enforceableone-year limitations period, California teams are facing cumulative injuryclaims from players with extremely minimal California contacts, butsubstantial playing histories for teams in other states. In addition, out ofstate sports teams are having claims filed against them in California thatare resulting in a number of serious consequences to California, including:1) clogging

the workers compensation courts with cases that should befiled in another state, thereby delaying cases of California employees, 2)causing all insured California employers to absorb rapidly escalating costs 6As amended, section 3600.5 now provides in pertinent part as follows:With respect to an occupational disease or cumulative injury, a professional athlete and his or her employer shall be exemptfrom this division ... unless both of the following conditions are satisfied:(A) The professional athlete has, over the course of his or her professional athletic career, worked for two or more seasons for a California-based team or teams, or the professional athlete has, over the course of his or her professional athletic career, worked 20 percent or more of his or her duty days either in California or for a California-based team ...(B) The professional athlete has, over the course of his or her professional athletic career, worked for fewer than seven seasons for any team or teams other than a California-based team or teams as defined in this section. (Emphasis added.) , being incurred by CIGA, and 3) placing increasing pressure on insurers toraise workers compensation rates generally in California to cover theserapidly rising unanticipated expenses. In many of these cases the playershave already received workers compensation benefits from other states, aswell as employment benefits covering the same losses they are seekingcompensation for in California.In this case, applicants presence in California is far less than the 20% threshold now described in section 3600.5 as necessary to support WCAB jurisdiction. While the 20% threshold set forth in current section 3600.5(b) does not apply to the claim in this case, it is reasonable to consider that percentage as constituting a legitimate and substantial connection between California and the injury as described in Johnson.7It is recognized that applicant was exposed to injurious trauma in California that contributed to causing his cumulative injury, but that is not sufficient in itself to support the exercise of WCAB jurisdiction. Instead, as held in Johnson, the connection between the claimed injury and California must be sufficient to invoke the jurisdiction of the WCAB. Such a connection is not established on this record.Nothing in applicants testimony (or in the medical evidence) suggests that applicants games in California were qualitatively more traumatic that his other games. While he claims to have incurred specific injuries those are not at issue. He also testified to numerous specific injuries he sustained while playing outside the state. (Exhibit 7, November 27, 2012 deposition. Treatment was routine for all games and was similar to the provision of minor first aid. (See, Lab. Code,§§ 5401 and 5402.) It was not shown that applicant lost time from work in California because of the treatments, and they do not give rise to a presumption of liability or compel the WCAB to exercise jurisdiction over

the cumulative injury claim. (Ibid; Johnson, supra.)/// 7The holding of the Court in Johnson is consistent with the earlier en bane decision of the Appeals Board in in McKinley. During four years of employment by the Arizona Cardinals Mr. McKinley participated in a five-day training camp and seven football games in California. However, that limited connection was found in McKinley to be insufficient for the WCAB to exercise jurisdiction over his claim for workers compensation in derogation of the Arizona forum he and the Cardinals reasonably identified in their employment contracts as the place where any claim for workers compensation would be filed. (McKinley, supra, 78 Cal.Comp.Cases at pp. 30-31). , In the absence of a contrary published decision by the Supreme Court or another Court of Appeal, the WCAB is bound to follow the legal principle set forth in Johnson. (Auto Equity Sales, Inc. v. Superior Court (1962) 57 Cal.2d 450, 455; Brannen v. Workers Comp. Appeals Bd (1996) 46 Cal.App.4th 377, 384, fn. 5 [61 Cal.Comp.Cases 554].) For the WCAB to lawfully adjudicate a claim of industrial injury, California must have legitimate and substantial connection to the injury. An employer or insurer is deprived of due process if subjected to the workers compensation law of a state that does not have a legitimate connection to the injury that makes application of the states laws reasonable. (Id, 221 Cal.App.4th at 1128.) .Applicants few contacts with this state are not sufficient to support the exercise of WCAB jurisdiction over his injury and claim for workers compensation and the October 27, 2014 Decision should be affirmed.WORKERSCOMPENSATION APPEALS BOARD_____KATHERINE ZALEWSKI, COMMISSIONERDATED AND FILED AT SAN FRANCISCO, CALIFORNIAMAR 25 2015SERVICE MADE BY MAIL ON ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES AS SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD:ÿPETER FORSBERGHOWARD SILBERDEAN STRINGFELLOWJFS/absADJ8710981