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NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE HEARINGS OFFICER

* * * * *

**In the Matter of the Contested
Industrial Insurance Claim**

of

JASON BUMA,

Claimant.

Claim No: E2C12430

Hearing No: 53765-SA

Appeal No.: 54752-LLW

CLAIMANT'S SECOND SUPPLEMENTAL EVIDENCE PACKET

Employers First Report of Injury..... 67-70

1 **AFFIRMATION**

2 I am an employee of Diaz & Galt, LLC, I affirm that there are no social security
3 numbers contained in this document.

4 DATED this 12 day of April, 2016.

5 
6 Heather Price
7

8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5(b), I HEREBY CERTIFY I am an employee of Diaz & Galt,
10 LLC, and that on this date, I served a true and correct copy of the within **CLAIMANTS**
11 **EVIDENCE PACKET** via U.S. Mail at Reno, Nevada, Facsimile, or hand-delivery by
12 Bootleg Courier CO., as indicated, to the following:

13
14 Department of Administration
15 Hearing Division
16 1050 East William Street, Suite 400
17 Carson City, Nevada 89710

[VIA HAND DELIVERY]

17 Lee Davis, Esq.
18 Lewis Brisbois Disgaard & Smith, LLP
2500 W. Sahara Avenue, Suite 300
Las Vegas, 89102

[VIA EMAIL]

19 DATED this 12th day of April, 2016.
20

21 
22 Heather Price
23
24
25
26
27
28

Location Code: NOT IDENTIFIED

Send the specified copies to your
Workers' Compensation Insurance Carrier
and the injured employee.

*Employers - Do not send this form to the
Texas Department of Insurance, Division of Workers' Compensation,
Unless the Division specifically requests a direct filing.

E2C12430

CLAIM #

CARRIER'S CLAIM #

EMPLOYERS FIRST REPORT OF INJURY OR ILLNESS

1. Name (Last, First, M.I.) BUMA JASON		2. Sex F <input checked="" type="checkbox"/> M <input type="checkbox"/>		15. Date of Injury (m-d-y) 03/29/2015		16. Time of Injury 06:00 am <input type="checkbox"/> pm <input checked="" type="checkbox"/>		17. Date Lost Time Began (m-d-y) //	
3. Social Security Number		4. Home Phone (775)828-0988		5. Date of Birth (m-d-y) 05/21/1968		18. Nature of Injury* ALL OTHER INJ.		19. Part of Body Injured or Exposed* INSUFFIC. INFO	
6. Does the Employee Speak English? If No, Specify Language YES <input type="checkbox"/> NO <input type="checkbox"/>									
7. Race White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/>				8. Ethnicity Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Other <input type="checkbox"/>					
9. Mailing Address Street or P.O. Box 1951 ROLLING BROOK L									
City RENO		State NV		Zip Code 89519-8342		County WASHOE			
10. Marital Status Married <input checked="" type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/>									
11. Number of Dependent Children 1				12. Spouse's Name					
13. Doctor's Name									
14. Doctor's Mailing Address (Street or P.O. Box)									
City		State		Zip Code					
20. How and Why Injury/Illness Occurred* EMPLOYEE DIED FROM NOT IDENTIFIED C AUSE									
21. Was employee doing his regular job? YES <input type="checkbox"/> NO <input type="checkbox"/>				22. Worksite Location of Injury (stairs, dock, etc.) SALES					
23. Address Where Injury or Exposure Occurred Name of business if incident occurred on a business site Street or P.O. Box 3500 HERCULES ROAD County FAYETTE									
City CARMINE		State TX		Zip Code 78932-5122					
24. Cause of Injury (fall, tool, machine, etc.) NOT IDENTIFIED									
25. List Witnesses									
26. Return to work date or expected (m-d-y) //		27. Did employee die? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		28. Supervisor's Name		29. Date Reported (m-d-y) 03/29/2015			

30. Date of Hire (m-d-y) 12/01/2012		31. Was employee hired or recruited in Texas? YES <input type="checkbox"/> NO <input type="checkbox"/>		32. Length of Service in Current Position Months _____ Years _____		33. Length of Service in Occupation Months X Years 2.25	
34. Employee Payroll Classification Code				35. Occupation of Injured Worker SALES VICE PRES			
36. Rate of Pay at this Job \$ 0.00 Hourly \$ 1980.77 Weekly		37. Full Work Week is: 0 Hours 0 Days		38. Last Paycheck was: \$ _____ for _____ Hours or _____ Days		39. Is employee an Owner, Partner, or Corporate Officer? YES <input type="checkbox"/> NO <input type="checkbox"/>	

40. Name and Title of Person Completing Form SHANNA SANDY				41. Name of Business PROVIDENCE CORPORATE DEVELOPME			
42. Business Mailing Address and Telephone Number Street or P.O. Box 901 N. GLEBE ROAD Telephone (703)558-3171				43. Business Location (if different from mailing address) Number and Street			
City ARLINGTON		State VA		Zip Code 22203-1853		City State Zip Code	
44. Federal Tax Identification Number 942446328		45. Primary North American Industry Classification System Code (6 digit)		46. Specific NAICS Code (6 digit)		47. Texas Comptroller Taxpayer No.	
48. Workers' Compensation Insurance Company CONTINENTAL INSURANCE COM				49. Policy Number 6016333726			
50. Did you request accident prevention services in past 12 months? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, did you receive them? YES <input type="checkbox"/> NO <input type="checkbox"/>							
51. Signature and Title (READ INSTRUCTIONS ON INSTRUCTION SHEET BEFORE SIGNING) X SHANNA SANDY BY TELEPHONE Date 05/08/2015							

733908



BUMA000067

First Report of Injury Supplement

CLAIM NUMBER: E2C12430

Fax to Agent (415)367-4545 attempted

THIS CLAIM IS IN THE ACT SYSTEM

THIS CLAIM HAS NOT BEEN FILED WITH THE STATE.

State Notified: TX No (STATE=TX)

Escalated: Yes

Reason :

Call Number : 733908

Call Date : 05/08/2015

Call Time : 15:48:25

Web Date :

Web Time :

Policy Number: 6016333726

Policy Eff: 12/15/2014

Policy Exp: 12/15/2015

Claim Type : *** NOTICE OF CLAIM ***Loss Date : 03/29/2015

Loss Time : 06:00 PM

Claim Branch : CNA CLAIM REPORTING

Phone: (877)262-2727

Branch Addr :PO BOX 8317

Fax : () -

City/State/Zip: CHICAGO

IL 60680

Branch Addr :PO BOX 8317

Fax : () -

E-mail Address:

Reference Number:

Contact

Caller

Name : SHANNA SANDY

SHANNA SANDY

Title:

Phone: (703)558-3171

(703)558-3171

Cell: () -

Email Addr: SHANNA.SANDY@TWENTYEIGHTY.COM

Employer Information:

Employer Name: PROVIDENCE CORPORATE DEVELOPME

Employer Phone: (703)558-3171

Employer Fax: (703)558-4108

SIC: NAICS:

FEIN Number : 94-2446328

Did the FEIN pre-fill from the database? (Yes or No): YES

Employee Information:

Employee Name & Phone: JASON

BUMA

(775)828-0968

Employee Birth Date: 05/21/1968

Marital Status: M

Employee Hire Date : 12/01/2012 Employment Status: FULL-TIME

Employee Dept:

Supervisor Info: () -

BUMA000068

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Accident Location Information:

Location Code: NOT IDENTIFIED

Department: SALES

Location Name: NOT IDENTIFIED

Address: 3500 HERCULES ROAD

City/State/Zip: CARMINE TX 78932-5122

County: FAYETTE

Injury Information:

Did employee miss work beyond their normal shift due to the injury? U

EMPLOYEE DIED FROM NOT IDENTIFIED CAUSE

NOT IDENTIFIED

NOT IDENTIFIED

Type of Treatment: 1 No Medical Treatment

Was the employee admitted to the hospital in regards to this injury/illness:N

Date Employee Return to Work: / /

Physician Hospital
Name :
Address:
City :
Phone : () -

Witness Name : MICKEY O CALLAGHAN
Address: 3500 HERCULES ROAD
City : CARMINE TX 78932-5122
Phone : (832)816-0846

Miscellaneous Information:

Was the employee performing their regular job? Yes

Were there any other employees injured in this loss? U

OSHA LOG NUMBER:

Phone : () -

Remarks: SUPPLEMENTS TO FOLLOW. ACORD NOT PROVIDED. INTERNET REFERENCE NUMBER.

CWC0045486.SUPERVISOR'S PHONE NUMBER: 703-558-3171.EMPLOYER NAME:

PROVIDENCE CORPORATE DEVELOPMENT HOLDING COMPANY.ANNUAL SALARY:

103000.08.DEPARTMENT EMPLOYEE WORKS: SALES.SUPERVISOR'S NAME: BRUCE

WEDDERBURN.LOSS TYPE: INCIDENT ONLY.INJURY DESCRIPTION: EMPLOYEE DIED.

CALLER EMAIL: SHANNA.SANDY@TWENTYEIGHTY.COM.

BUMA000069

149

Agent Name: KRAUTER & COMPANY, LLC

Agent Address: 150 SPEAR STREET, SUITE 825

Agent City : SAN FRANCISCO

CA 94105

Agent Phone : (415)994-2190 Agent Fax: (415)367-4545

Agent Number: 250069633

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim

of

JASON BUMA (DECEASED)
c/o THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519,

Claimant.

Claim No.: E2C12430

Hearing No.: 53765-SA

Appeal No.: 54752-LLW

Employer:
PROVIDENCE CORP. DEVELOPMENT
dba MILLER HEIMAN, INC.
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

ADMINISTRATOR'S WRITTEN CLOSING ARGUMENT

COMES NOW the Third-Party Administrator, GALLAGHER BASSETT, on behalf of CNA CLAIMPLUS ("Administrator"), by and through its attorneys, LEE E. DAVIS, ESQ. and LEWIS BRISBOIS BISGAARD & SMITH, LLP, and submits its Written Closing Argument as Ordered by the Appeals Officer. The parties have attended a hearing before the Appeals Officer where Mr. Buma's wife testified. Prior to the hearing the parties filed their respected evidence packets and written memorandums. After the hearing the parties discussed with the Appeals Officer the legal issues relevant to the appeal. The parties and the Appeals Officer agreed that Written Closing Argument from each party should be filed.

I

INTRODUCTION

The deceased Claimant, Jason Buma ("Claimant"), was employed for MILLER HEIMAN, INC. as a Vice President of Sales. He did have any ownership interest in this company or their parent company. MILLER HEIMAN, INC is in the business of providing Sales Training.

1 Their web site is titled as "The Sales Performance Company and explains their
2 comprehensive strategy for complex sales as:

3 Strategic Selling® helps organisations develop comprehensive
4 strategies to win sales opportunities. The program delivers a selling
5 process and action plan to successfully sell solutions that require
6 approval from multiple decision makers in the customer's
7 organisation.

8 Strategic Selling® provides visibility into sales opportunities,
9 documenting plans with the program's Blue Sheet. This involves
10 first identifying all key players in the customer's organisation,
11 understanding each player's degree of influence and their reasons
12 for buying, and uncovering essential information. Salespeople and
13 organisations will be equipped to evaluate their competitive
14 position, address the business and personal motives of each
15 decision maker in the client organisation, and differentiate their
16 company by leveraging its unique strengths.

17 The Claimant planned to meet with his client at an Oil and Gas Convention in
18 Houston Texas on March 30, 2015. The Claimant made his own travel arrangements and chose
19 the location of his lodging. The Claimant would either be reimbursed by the Employer or the
20 Employer had provided to the Claimant a corporate credit card to use.

21 The day before the Convention the Claimant stayed with his friend, Mr.
22 O'Callaghan at his home. The Claimant had stayed with him on a couple of times before.

23 Mr. O'Callaghan was not an employee of MILLER HEIMAN, INC and was the
24 owner of his own company. Mr. O'Callaghan was an independent consultant that would work
25 with MILLER HEIMAN, INC .

26 On March 29, 2015 Mr. Buma died as the result of an ATV accident at Mr.
27 O'Callaghan's property. MILLER HEIMAN had no connection to the ATV incident. (Exhibit
28 p. 1.) ATV is defined as a an all terrain vehicle also known as quad, quad bike, three-wheeler,
four wheeler or quadricycle.

NONE OF THESE FACTS ARE BELIEVED TO BE IN DISPUTE

IIPARTIES ARGUMENT AT THE HEARING

At the time of the hearing the Claimant argued that his death was covered as a compensable workers compensation claim pursuant to NRS616C.150. The Claimant argued that the accident which caused the Claimant's death was as a direct relationship to his employment as the Claimant was staying at his friends home so that the two could be preparing for the presentation that the Claimant was to participate for his Employer the next day. The Claimant argued that the act of driving the recreational vehicle was closely associated with the act of preparing for the presentation that the Claimant was required to attend for his work.

The Administrator argued that the Claimant was not covered under the workers compensation act at the time of the Claimant's death since the (a) Claimant died as a result of a recreational activity that was not authorized or required by his Employer, and (b) the Claimant's death occurred before the Claimant was presenting for the presentation for his Employer and that the Coming and Going Rule would preclude the Claimant's death as being covered under workers compensation.

ARGUMENTI.INTRODUCTION TO THE NEVADA WORKERS COMPENSATION ACT

The Workers Compensation Act was written into law in Nevada to provide employees a means to receive medical care and benefits without the Employee being required to prove in a civil or tort action that established that the Employee had either intentionally or through the Employer's negligence caused the harm to their Employee.

However the Nevada Workers Compensation Act requires that the Employee ("Claimant") must establish that the injury was connected to his or her employment. The Nevada

1 Supreme Court has held that the fact that the injury occurred on the employer's premise is not
2 sufficient to make an injury a compensable claim.

3 The Court in Rio Suite Hotel & Casino v. Gorsky, 113 Nev. 600, 605, 939 P.2d
4 1043 (1997) held that the "Nevada Industrial Insurance Act is not a mechanism which makes
5 administrators absolutely liable for injuries suffered by employees who are on the job." The
6 Court concluded by stating, "The requirements of 'arising out of and in the course of
7 employment' make it clear that a claimant must establish more than being at work and suffering
8 an injury in order to recover."

10 The Nevada Workers Compensation Act has placed the burden on the Claimant to
11 establish this connection.

12 It is the Claimant, not the Administrator, who has the burden of proving his case,
13 and that is by a preponderance of all the evidence. State Indus. Ins. Sys. v. Hicks, 100 Nev. 567,
14 688 P.2d 324 (1984); Johnson v. State ex rel. Wyoming Worker's Comp. Div., 798 P.2d 323
15 (1990); Hagler v. Micron Technology, Inc., 118 Idaho 596, 798 P.2d 55 (1990).

17 In attempting to prove his case, the Claimant has the burden of going beyond
18 speculation and conjecture. That means that the Claimant must establish the work connection of
19 his injuries, the causal relationship between the work-related injury and his disability, the extent
20 of his disability, and all facets of the claim by a preponderance of all of the evidence. To prevail,
21 a claimant must present and prove more evidence than an amount which would make his case
22 and his opponent's "evenly balanced." Maxwell v. SIIS, 109 Nev. 327, 849 P.2d 267 (1993);
23 SIIS v. Khweiss, 108 Nev. 123, 825 P.2d 218 (1992); SIIS v. Kelly, 99 Nev. 774, 671 P.2d 29
24 (1983); 3, A. Larson, The Law of Workmen's Compensation, §80.33(a).

26 ///

27 ///

1 NRS 616A.010 makes it clear that:

2 A claim for compensation filed pursuant to the provisions of this
3 chapter or chapter 617 of NRS must be decided on its merits and
4 not according to the principle of common law that requires statutes
5 governing worker's compensation to be liberally construed because
6 they are remedial in nature.

7 II

8 COURSE AND SCOPE

9 NRS 616B.612(1) requires an employer to provide compensation in accordance
10 with the terms of the Nevada Industrial Insurance Act[4] for any employee injuries "arising out
11 of and in the course of the employment." NRS 616C.150(1) provides that an injured employee is
12 not entitled to receive workers' compensation unless he establishes by a preponderance of the
13 evidence that his injury arose out of and in the course of his employment.

14 Our Nevada Supreme Court has held that an Employer is not liable for all injuries
15 that an employee may sustain while employed.

16 We previously have explained that the language of the statute
17 reveals that legislators did not intend the Nevada Industrial
18 Insurance Act to make employers absolutely liable for any injury
19 that might happen while an employee was working. Rather, the
20 statute requires a claimant to "establish more than merely being at
21 work and suffering an injury in order to recover. MGM Mirage v
22 Cotton 121 Nev. Adv. Op 39 (2005)

23 Injury on Employer's property

24 If the accident occurs on the Employer's property the Nevada Supreme Court has held
25 that an accident within a reasonable time period before and after the work time is covered as a
26 work injury. MGM Mirage v Cotton 121 Nev. Adv. Op 39 (2005)

27 In this appeal, we consider whether an employee, who suffers an
28 injury connected to the work environment and on the employer's
premises while arriving to or departing from work, is eligible for
workers' compensation benefits. Generally, under the "going and
coming" rule, employees are not entitled to workers' compensation
for injuries sustained while traveling to or from work. We now

1 adopt a premises-related exception to the "going and coming"
2 rule. Thus, we hold that an employee who is injured on the
3 employer's premises within a reasonable interval before or after
4 work may be eligible for workers' compensation.

5 However in this case the Claimant was not injured on the Employer's premise or
6 within a reasonable time period before or after the employee's employment. In this case the
7 Claimant died while he was riding a recreational vehicle that was not owned, maintained by the
8 Employer.

9 The first issue to be looked at is where is the location of the accident that caused
10 the Claimant's death? The accident did not occur on the premise of the Employer. That is not in
11 dispute by any of the parties. The Claimant's employment did require him to travel out of state to
12 attend a sales presentation the day after the Claimant's accident and death.

13 Travel to work site

14 *Coming and Going Rule*

15 This issue is covered by case law under what is commonly known as the "Coming
16 and Going Rule". This rule holds that workers' compensation was not intended to protect
17 against perils coming to and/or leaving work. There are, however, exceptions to that rule.

18 If an injury occurs off the employer's premises, it is typically not considered
19 compensable, subject to several exceptions. The underlying principle of these exceptions is that
20 the "course of employment" should extend to any injury which occurred at a point where the
21 employee was within range of dangers associated with his employment.

23 Benefit to Employer

24 One exception to the Coming and Going Rule is referred to as the Employer's
25 Conveyance exception,. This general rule is that when the journey to or from work is made in
26 the employer's conveyance, the journey is in the course of employment. Examples of this rule is
27 usually seen where the Employee is using the Company's vehicle or that the Employer pays for
28

1 the Claimant's use of his own vehicle.

2 The reason for this exception is that the Claimant is placed at risks of the
3 employment, since the risk are under the employer's control. Courts look at factors such as (a)
4 does the Claimant drive a company vehicle, (b) does the Employer pay for the Claimant's gas or
5 mileage if the Claimant drives his own vehicle, (c) is the Claimant on call. The Court would
6 look at the nature of the employment and the type of business as factors in determining if the
7 Claimant was on call, or (d) does the Claimant's act of driving provide to the Employer a benefit.
8

9 In Evans v. Southwest Gas Corp., 108 Nev. 1002, 842 P.2d 719 (1992), the
10 Supreme Court held an employee may still be within the course and scope of his employment
11 when the travel to or from work confers a **distinct benefit** upon the employer or the employer
12 exercised significant control over the employee, who was on call. The claimant going shopping
13 and to dinner did not confer any benefits whatsoever upon the Employer.
14

15 In Evans v. Southwest Gas, the employee was provided a hand held radio and a
16 radio in his van. 108 Nev. 1002 (1992). The employee was allowed to take the van home in
17 order to respond to emergencies. He would be notified of those emergencies via the radio or the
18 hand held radio. The employee was required to take the van home to respond to emergencies.
19

20 Likewise, in Tighe v. Las Vegas Metropolitan Police Dept., 110 Nev. 632, 877
21 P.2d. 1032 (1994), the Court found that an undercover narcotics officer who was driving home
22 and subject to his employer's control at the time of the accident, was entitled to worker's
23 compensation benefits. The Tighe Court created the "law enforcement" exception.

24 The Tighe Court further explained the Nevada position on this issue. 110 Nev.
25 632 (1994). The Court held that exceptions to the going and coming rule include Evans and
26 Tighe because the employee was "subject to his employer's control" and was driving the
27 employer's vehicle. The key to both of these cases is control. Evans mentions the two forms of
28

1 radios and Tighe cites to the employee's car radio and beeper. The Court even stated that since
2 Tighe was driving a police vehicle equipped with a police radio, he was "on call". Id. at 636.
3 Interestingly, the Court also held that "Tighe made no diversion for personal purposes, nor can
4 we reweigh the evidence". Id.

5
6 In this case the Employer had no control over where the Claimant stayed at or
7 when he arrived. The only requirement was that he was present at the Oil and Gas Convention in
8 Houston Texas on March 30.

9 A more recent Nevada Supreme Court case that looked at this issue is Bob Allyn
10 Masonry v Murphy 124 Nev. Adv. Op. No 27 (2008). In this case the Court looked at a Claimant
11 that was injured while departing from the job site. The Court held that the Claimant's injuries
12 should be covered as a workers compensation claim.

13
14 The Court held:

15 On his day off, respondent David Murphy, at his
16 employer's request, delivered equipment from his
17 employer's construction yard to his employer's job
18 site. After departing from the job site, he was
19 injured in an automobile accident. In this opinion,
20 we consider whether the injuries of an employee
21 who, like Murphy, is involved in a vehicular
22 accident while on the return journey of a special
23 errand undertaken at the employer's request, arise
24 out of and in the course of employment, entitling
25 the employee to workers' compensation benefits. In
26 so doing, we adopt the street-risk rule, which
27 provides that, when an employee is required to
28 drive as a component of employment, the risks and
hazards associated with the roadways are incident to
that employment, and thus injuries sustained due to
risks associated with those roadways arise out of the
employment. We also clarify that our workers'
compensation jurisprudence includes an employee's
return journey within the special errand exception to
the going and coming rule, which provides that,
even though going and coming from work generally
is not in the course of employment, an employee is
acting within the course of employment when

1 completing a "special errand" for the employer.
2 Thus, depending upon the facts, an employee's
3 injuries sustained in a vehicular accident during the
4 return journey of a special errand may arise out of
5 and in the course of employment

6 In the case before this Bar the Claimant was not performing a special errand for
7 the Employer at the time of his death while operating an ATV. Additionally the accident was not
8 on public roads but on his friends property.

9 **Preparation for Employment**

10 The Claimant has argued that the Claimant was staying at his friends ranch to
11 benefit the Claimant's employment because it allowed the Claimant an opportunity to prepare
12 with his friend and fellow participant for the next day presentation which benefited the
13 Claimant's employer's interest.

14 The Nevada Supreme Court looked at a case where an employee was injured
15 while preparing the area for him to stay while he perform his job duties for his Employer the next
16 day. Costley v NIC 53 Nev. 219, 296 Pac. 1011 (1931) The Nevada Supreme Court held that a
17 miner hurt while setting up his tent on Employer's premise day before he was to start work was
18 incidental to employment. The difference with this case and Costley is Buma's accident did not
19 occur on the Employer's premise or the act of performing a recreational activity while riding the
20 vehicle did not constitute preparing for the presentation for the next day. The act that caused the
21 Claimant's death was operating a recreational vehicle and not conversing with his friend in the
22 preparation of the next day event. It was purely a personal activity with no benefit to his
23 Employer.

24
25 ///

26 ///

27 ///

Moreover operating the ATV was not a requirement of the Claimant's employment nor did the Claimant's death arise out of a hazard arising from or incidental to the Claimant's employment. Finally the Claimant's Employer did not own, maintain or provide the recreational vehicle to the Claimant.

Employer reimburses for Employee's travel

The Claimant next argues that his travel is paid for by his Employer. Therefore the Claimant would be covered under the Nevada Workers Compensation Act during the entire time period that the Claimant traveled for his Employer and until he reaches back at his home.

However the Claimant chose to stay at his friends ranch home and the Employer did not require the Claimant to stay over at the ranch home rather than a hotel. The Claimant's decision where to stay was the Claimant's own discretion and the Employer had no input.

The Claimant cannot prove that the Employer had any control over the Claimant's actions or behavior while the Claimant stayed with his friend.

Therefore the Claimant's accident did not occur while the Claimant was performing a job duty and was not during an act that the Claimant was performing that would constitute performing a job duty during the course and scope of employment. The Claimant's claim should be denied under this analysis.

II

ARISING OUT OF EMPLOYMENT

This Court should make a ruling that the Claimant's death did not arise out of employment. But for the sake of fully discussing the legal issues in this case we will assume that the Claimant was acting within the course and scope of employment. The next step in the analysis of determining if the Claimant's claim should be found compensable is considering the facts and applying the facts to the legal requirements of whether the Claimant's injury and death

1 arouse out of his employment.

2 **Employment placed Claimant at the accident site**

3 The Claimant met his unfortunate demise during a purely recreational ATV ride at
4 a friend's home. There was no company event held at the location of the accident on March 29,
5 2015, and there was no requirement that Claimant ride the ATV as part of his work
6 responsibilities. His next scheduled work activities were the next day at 8:30 a.m. and 9:30 a.m.
7

8 In Nevada, the Supreme Court has defined the term "arose out of," as contained in
9 NRS 616C.150, to mean that there is a causal connection between the injury and the employee's
10 work. In other words, the injured party must establish a link between the workplace conditions
11 and how those conditions caused the injury.

12 The Nevada Supreme Court has held that:

13
14 An accident or injury is said to arise out of employment when there
15 is a causal connection between the injury and the employee's work
16 . . . the injured employee must establish a link between the
17 workplace conditions and how those conditions caused the injury .
. . . a claimant must demonstrate that the origin of the injury is
related to some risk involved within the scope of employment.

18 Rio Suite Hotel v. Gorsky, 113 Nev. 600 (1997).

19 The origin of the unfortunate fatal ATV riding accident had no associated
20 industrial risk or hazard arising out of the course and scope of the employment of Claimant.

21 **Recreational activity**

22 The Claimant will next argue that the use of the ATV was a recreational event and
23 benefited the Employer. The Nevada Supreme Court held in Nevada Industrial Commn v Dixon
24 77 Nev. 296, 362 P.2nd 577 (1961) that an employee injured while riding a bike that was
25 provided by the Employer on her lunch break was covered under workers compensation because
26 the Employer "encouraged" and it was a regular incident of employment.
27

28 ///

1 The case before this Bar is distinguishable. In the case before this Bar the
2 Employer did not provide to the Claimant the ATV nor did they encourage it. It simply was not a
3 regular incident of employment.

4 **Exercise**

5 The Claimant may then argue that a recreational activity helped the Claimant
6 relax which would benefit his Employer's interest since the Claimant would perform better the
7 next day after he was fully relaxed.
8

9 The Nevada Supreme Court has looked at the issue of an employee voluntarily
10 exercising to improve the employees health and whether that activity has a benefit to the
11 Employer.

12 The Nevada Supreme Court held in Washoe County v Hunt 109 Nev. 823, 858 P.
13 2nd 46 (1993) that a police officer jogging on his own time was not covered as a work related
14 injury.
15

16 In the case before this Bar the Claimant cannot establish a connection between the
17 Claimant's use of a recreational vehicle and his employment. There simply is no connection or
18 benefit to the Employer from the Claimant's use of an ATV.

19 **CONCLUSION**

20 Based upon the foregoing points and authorities, it is clear that the Claimant has
21 failed to establish by a preponderance of the evidence that he sustained a compensable industrial
22 injury. The Claimant has failed to present any credible evidence to disturb the Administrator's
23 determination.
24

25 WHEREFORE, the Third-Party Administrator, GALLAGHER BASSETT, on
26 behalf of CNA CLAIMPLUS, respectfully requests that the Appeals Officer provide the
27 following relief:
28

1 1. That the Appeals Officer affirms the Hearing Officer's Decision and Order
2 which affirmed the Administrator's determination dated June 25, 2015, which denied the claim;

3 2. That the Appeals Officer affirms the Administrator's determination dated
4 June 25, 2015, which denied the claim.

DATED this 14th day of June, 2016.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:

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* * *

Claim No.: E2C12430
Hearing No.: 53765-SA
Appeal No.: 54752-LLW

The Claimants' statutory heirs are Kaycean Buma, Mr. Buma's wife, and the couple's 15-year-old daughter, Delaney Buma. They seek death benefits pursuant to NRS 616C.505 as a result of an accident and death that occurred within the course and scope of Mr. Buma's

1 employment.

2 The Appeals Officer is presented with three legal concepts, which must be evaluated in
3 order to determine that Mr. Buma was in the course and scope of his employment at the time of
4 his tragic and untimely death:
5

6 1. The “traveling employee” doctrine as defined by Professor Larson in his workers
7 compensation treatise on “traveling employees.” See, Arthur Larson & Lex K. Larson,
Larson's Worker's Compensation Law Desk Edition § 25 Traveling Employees

8 2. The “personal comfort doctrine” as defined by Professor Larson and adopted by
9 the Nevada Supreme Court.

10 3. The “increased risk doctrine” as it applies to workers’ compensation cases and
11 adopted by the Nevada Supreme Court.

12 I submit that the particular facts of this case and the “traveling employee” provide a case
13 of first impression in the State of Nevada. Although, the “Traveling Employee Doctrine” has
14 been widely recognized and adopted in most other jurisdictions in the country, it is defined as
15 an expanded exception to the “course and scope” of employment, when a person has to travel
16 for the purpose of work.
17

18 **SUMMARY OF FACTS**

19 **KAYCEAN BUMA’S TESTIMONY**

20 Kaycean Buma was the sole witness who testified at the appeals hearing on
21 April 13, 2016. Although, a transcript of a recorded statement of Mr. Michael O’Callaghan and
22 a written investigative report, taken by a private investigator hired by the employer, was
23 admitted into evidence with no objections. Mr. O’Callaghan was Mr. Buma’s co-worker, host,
24 and owner of the ranch where Mr. Buma was staying at the time of his death.
25

26 Mrs. Buma stated that she and Jason had been married for 18 years and their daughter
27 Delaney was 15 years old. AO Transcript 8:16-25. Mr. Buma held a bachelors degree and had
28

1 worked in the corporate world for most of his professional life in high level sales positions:
2 President of Corporate Vision; regional manager for H&R Block and originally worked for
3 Miller Heiman in 1998 and then went back to work for him in 2012 as reported by the
4 employer. AO Transcript 9:12-24; Exhibit 4 pg. 67

5
6 Mrs. Buma explained that Miller Heiman “sells sales training to different companies to
7 help them improve their productivity.” She explained that Miller Heiman’s clientele includes
8 Fortune 500 companies, both national and international, such as, Dresser-Rand, Halliburton,
9 Disney, Foster Farms, etc. AO Transcript 10:2-8

10
11 Mr. Buma was a Vice-President of sales and was responsible for overseeing and managing
12 the activities of independent representatives who worked for Miller Heiman around the world.
13 Mrs. Buma testified that 40%-50% of Mr. Buma’s working time involved traveling. He had no
14 clients in Nevada. AO Transcript 12:4,13.

15
16 Mr. Buma’s job duties and responsibilities required him to travel all over the country.
17 He would meet with potential clients and perform sales presentations and oversee the training
18 teams that were sent to the companies, which had purchased the sales programs from Heiman
19 Miller. AO Transcript 12:5-10.

20
21 When asked if there were any bounds to Mr. Buma’s work hours, Mrs. Buma stated he
22 was on-call all of the time. Because Mr. Buma worked primarily at home, Mrs. Buma testified
23 that she observed him replying to emails at 6:00 am and would take calls at 5:00 pm and
24 sometimes up till 9:00 or 10:00 at night. That he would take “weekend calls...vacation
25 calls...calls while hiking.” AO Transcript 14, 15.

26
27 Mrs. Buma stated that Mr. Buma always stayed in hotels when he traveled except, when
28 he attended the Oil and Gas Industry Conference in Houston, when he would stay with his co-

1 worker, Michael O'Callaghan at his ranch in Carmine, Texas. AO Transcript 12:15-24. The
2 company reimbursed all of Mr. Buma's travel expenses. AO Transcript 13:9-14.

3 On March 29, 2015 Mr. Buma flew to Houston the day before the Oil and Gas Industry
4 Conference began. Mrs. Buma testified, "That he was flying in the day before to work with
5 Mickey, Michael, on a presentation that they were giving the next morning early." AO
6 Transcript 15:13-15. Mrs. Buma dropped him off at the airport "a little before 5:00 am in the
7 morning." AO Transcript 16:1

8 Mrs. Buma described what she knew of Mr. O'Callaghan's ranch.

9 It's fairly big. You know, he's got a couple of houses on it, one where people
10 can--like a guesthouse, which is where Jason was staying. ..

11 You know, it's got some fishing and some hunting on it, that kind of thing.

12 I think it's got a big pond that's always stocked with fish, and they can hunt on
13 the property.

14 AO Transcript 17:11-20

15 Mrs. Buma stated that Mr. O'Callaghan and Mr. Buma ".....worked together a lot. I
16 mean every other week." AO Transcript 19:17-22. She specifically remembered that her
17 husband had stayed at Mr. O'Callaghan's the year before for the Oil and Gas Conference. AO
18 Transcript 21:1-4

19 Mrs. Buma concluded her testimony by stating that Mr. Buma had never stayed at
20 Mr. O'Callaghan's ranch for pleasure. AO Transcript 21:8-10

21 **MICHAEL O'CALLAGHAN'S RECORDED STATEMENTS**

22 Mr. O'Callaghan in his recorded statement verified the fact that he had worked with
23 Mr. Buma for "approximately three years." Exhibit 3 p. 6:11

24 ..It was quite common for him to come and stay here at the ranch, and then we
25 would drive in and out for our meetings. It gave us more time to strategize and

1 plan, things like that.” and stated that in fact he had stayed at the ranch several
2 times in the prior years in order to work with Mr. O’Callaghan before and during
the Oil and Gas Industry Conference.

3 O’Callaghan transcript, Exhibit 3 p. 55:8-17

4 Mr. O’Callaghan explained his professional relationship with Mr. Buma as business
5 partners. “We would partner up and chase opportunities, manage accounts, close deals...”
6 Exhibit 3 p. 54:4-8.

7 Mr. O’Callaghan described his ranch as being 74-75 acres with a few other buildings
8 that were bedrooms and storage along with a few acre pond. Exhibit 3 p. 55:20, 56:1-6.

9 Mr. O’Callaghan described the events of the late afternoon leading up to Mr. Buma’s
10 death. Mr. Buma arrived at the ranch about 3:30 pm and they “visited for a little while, and
11 then we were going to dinner. He was going to take my wife and I out to dinner like he
12 normally did when he came in. And he wanted to take a ride on the ATV’s which we had also
13 done previously, and so we decided to take a quick ride on the ATV’s before going to dinner.”
14 O’Callaghan transcript, Exhibit 3 p. 56:15-21.

15 Mr. O’Callaghan states they had been riding about 20 minutes and he did not witness the
16 accident.

17 We rode around the ranch there’s some trails out here...and then he wanted to
18 ride to the end of Hercules Road and back, and we were going to dinner.
19 Hercules road is a dead end road that goes about a mile. Accident happened as he
20 was going around the curve.

21 Exhibit 3 p. 62.

22 This road is described as a “caliche road...It’s a rock or aggregate that they put down.”
23 Exhibit 3 58:7-13. It’s a dead end county road and nobody else lives on this road. “Traffic’s
24 pretty rare.” Exhibit 3 pg 64:2-4.

1 Although Mr. O'Callaghan was behind Mr. Buma he did not actually see the accident as
2 he had gone around a curve in road. Mr. O'Callaghan found Mr. Buma lying in the middle of
3 the gravel road where he died. Apparently the ATV had rolled because it was quite damaged
4 and it was facing the wrong direction but still running. Exhibit 3 pg 57:13-24.

6 LEGAL ARGUMENT

7 In the context of this claim, Mr. Buma comes within *Larson's* definition of a "traveling
8 employee".

9
10 A traveling employee is generally considered to be in the course of
11 employment continuously during the entire trip, except during a distinct departure
12 on a personal errand. 2 Arthur Larson & Lex K. Larson, Larson's Workers'
13 Compensation Law § 25.01 (2007). The rationale for this extended coverage is
14 that when travel is an essential part of employment, the risks associated with the
15 necessity of eating, sleeping, and ministering to personal needs away from home
16 are an incident of the employment even though the employee is not actually
17 working at the time of injury. Buczynski, 934 P.2d at 1174 (quoting State
18 Accident Ins. Fund Corp. v. Reel, 303 Or. 210, 735 P.2d 364, 367 (1987)). The
rule recognizes that a traveling employee is subjected to "hazards [he or] she
would otherwise have the option of avoiding," and that the hazards
of travel become the hazards of the employment. Chavez v. ABF Freight Sys.,
Inc., 2001-NMCA-39, 130 N.M. 524, 528, 27 P.3d 1011 (internal quotation marks
omitted) (quoting Ramirez v. Dawson Prod. Partners, Inc., 2000-NMCA-011, 128
N.M. 601, ¶ 12, 995 P.2d 1043).

19 See, *Ball-Foster Glass Container Co. v. Giovanelli*, 163 Wn.2d 133, 177 P.3d 692 (2006)

20
21 Our Nevada Supreme Court has historically considered and relied upon Professor
22 Larson's Treatise on Workers Compensation. See, *Currier v. State Indus. Ins. Sys.*, 114 Nev.
23 328, 956 P.2d 810, 810 (1998); *Riverboat Hotel Casino v. Harold's Club*, 113 Nev. 1025, 1026,
24 944 P.2d 819, 820 (1997); *Falline v. GNLV Corp.*, 107 Nev. 1004, 823 P.2d 888, 889 (1991);
25 *Breen v. Caesars Palace*, 102 Nev. 79, 80, 715 P.2d 1070, 1070 (1986); *Nev. Indus. Comm'n v.*
26 *Hildebrand*, 100 Nev. 47, 49, 675 P.2d 401, 402 (1984). (The Nevada Supreme Court has cited
27 to Larson's treatise on Worker's Compensation Law in at least twelve additional opinions.)
28

1 **NEVADA CASE LAW**

2 Up until January 1, 2016, SCR 123 prohibited the citation of an unpublished opinion of
3 the Nevada Supreme Court. That rule has been repealed. Rule 36 of the Nevada Rules of
4 Appellate Procedure has been amended to include a provision permitting citation of unpublished
5 cases issued after January 1, 2016. The unpublished opinions cited to in this closing argument
6 are done so merely to demonstrate the Nevada Supreme Court's thinking on the issues presented
7 and are not cited as precedent.
8

9 Our Nevada Supreme Court recently had an opportunity to address the terms "course
10 and scope of employment "and the "increased risk" doctrine in a case that did not involve a
11 travelling employee. In *Sodexo v. Chappell*, No. 58121, 2013 Nev. Unpub. LEXIS 299, at *1-6
12 (Feb. 28, 2013), a housekeeper at a hospital was injured when she tripped and fell over a chair
13 in the hospital cafeteria during her lunch hour after she had clocked out. Her job duties required
14 her to stay on the employer's premises to remain available to address unexpected spills and
15 cleanups.
16

17 The Court first recognized that pursuant to NRS 616C.150(1), that to establish a
18 compensable worker's compensation claim, an employee had the burden to establish that an
19 injury arose out of and in the course of employment. The injured employee must establish a
20 causal connection between the workplace conditions and how those conditions caused the
21 injury. See, *Rio Suite Hotel & Casino v. Gorsky*, 113 Nev. 600, 604, 939 P.2d 1043, 1046
22 (1997).
23

24 The Court discussed the different types of risk that might cause a workplace accident
25 and found that "increased risk can exist when an employee is exposed to risks more frequently
26 than the public". It recognized that, "[w]hether an injury occurs in the course and scope of
27
28

1 employment refers to the time and place of the injury, either during work, during working
2 hours, or while the employee is reasonably performing her duties”. *Wood v. Safeway*, 121 Nev.
3 724, 733, 121 P.3d 1026, 1032 (2005). “Temporal and geographical factors are relevant, as
4 well as the degree of control the employer exerted over the employee at the time of the injury”.

5
6 In ruling that the claimant had established a compensable claim, the Court held that
7 although the claimant was not officially on the clock, she remained within her employer’s
8 control during this period and stayed on the premises for her employer’s benefit.

9
10 In the instant case, Mr. Buma was on a business trip that included preparing for and
11 making presentations for his employer in Houston with his co-worker, Michael O’Callaghan on
12 the day after he arrived at his ranch. The evidence established that Mr. Buma’s sole purpose for
13 being at Mr. O’Callaghan’s ranch was for the benefit of his employer. Mr. Buma’s job duties
14 required him to drive into Houston to attend the Oil and Gas Conference with Mr. O’Callaghan
15 for the benefit of his employer, every day for meetings and presentations.

16
17 He was most certainly under his employer’s control during this period of time.
18 Mr. Buma was necessarily exposed to a greater risk of harm while he was traveling for the
19 benefit of his employer. He was injured while at his co-worker’s ranch when he took a break
20 with his co-worker before going to dinner. Mr. Buma’s act of taking a brief ride on his co-
21 workers ATV after traveling all day was reasonable under the circumstances.

22
23 In *Fitzgeralds Casino/Hotel v. Mogg*, No. 55818, 2011 Nev. Unpub. LEXIS 1780, at *5-
24 6 (Nov. 18, 2011), the Court speaks to the “personal comfort doctrine” which we believe is
25 relevant to Mr. Buma’s case.

26 Also relevant to this court's consideration is the personal comfort doctrine.
27 Nevada has adopted the common-law personal [6] comfort doctrine, which
28 permits compensation under a workers' compensation scheme when an employee
is injured while engaging in a reasonable activity designed for personal comfort,

1 such a stretching or using the restroom. See, *Costley v. Nevada Ind. Ins. Com.*, 53
2 Nev. 219, 296 P. 1011 (1931) (holding that a miner's injuries sustained while
3 erecting a tent on the employer's premises the day before commencing work arose
4 out of and in the course and scope of employment); *Dixon v. SIIS*, 111 Nev. 994,
5 899 P.2d 571 (1995) (affirming workers' compensation benefits provided by
6 employer for a worker injured on a lunch break while exercising on a bicycle).
7 Incidental activities, such as those undertaken for personal comfort, are not
8 compensable if they are unreasonable or extraordinary deviations. See *Arp v.*
9 *Parkdale Mills, Inc.*, 150 N.C. App. 266, 563 S.E.2d 62, 69-71 (N.C. Ct. App.
10 2002) (Tyson, J. dissenting) (citing 2 Arthur Larson & Lex K. Larson, *Larson's*
11 *Worker's Compensation Law* § 21.08, 21-43),...

12 Mr. Buma was in a certain "zone of danger" and at an "increased risk" while staying at
13 Mr. O'Callaghan's 75 acre ranch and participating in the regular activities at the ranch, like
14 riding the ATV's. ATV riding is inherently dangerous in and of itself. See, *Insurance Institute*
15 *for Highway Safety, Highway Loss Data Institute*, Status Rpt. Vol. 48, No. 9,
16 December 19, 2013;

17 Under the increased-risk test, an employee may recover if she is subjected to a
18 risk greater than that to which the general public is exposed. Even if a risk to
19 which the employee is exposed is not qualitatively peculiar to the employment,
20 the injury may be compensable as long as she faces an increased quantity of a
21 risk. Thus, when an employee is exposed to a common risk more frequently than
22 the general public, there may be an increased risk. The increased-risk test strikes
23 an adequate balance between the employee's right to receive compensation for a
24 work-related injury and the employer's right not to be held liable for every injury
25 suffered by an employee in the workplace. Maintaining such a balance satisfies
26 the requirement in Nev. Rev. Stat. § 616A.010 that Nevada's workers'
27 compensation laws be interpreted in a neutral manner. See, *Rio All Suite Hotel &*
28 *Casino v. Phillips*, 126 Nev. 346, 347, 240 P.3d 2, 3 (2010)

29 The evidence submitted, specifically, the photographs taken by the TPA's investigator,
30 clearly demonstrates that the road Mr. Buma was riding on at the time of the accident was a
31 very rutted, dirt, loose gravel road. Exhibit 1 p. 30-39. The actual picture of where Mr. Buma
32 came around the corner and died seems to show an area of road with very loose gravel and
33 potholes. Exhibit 1 p. 39.

1 Another important factor is that the actual ATV that Mr. Buma was riding at the time of
2 his accident had no roll bar or cage. The lack of this protection served to increase the risk of
3 harm to any rider. Neither, ATV had a roll bar or cage so Mr. Buma did not have a choice of
4 choosing one that was safer than another. Exhibit 1 p. 41. This lack of a roll bar certainly was
5 one of the factors contributing to Mr. Buma's death especially in light of Mr. O'Callaghan
6 statement that he thought the ATV Mr. Buma was riding had rolled.
7

8 The very fact that Mr. Buma was staying at Mr. O'Callaghan's ranch, created a "zone of
9 danger" which placed him at an increased risk of harm. This risk was increased because ATV
10 riding on unpaved, rutted, loose dirt roads was a acceptable and reasonable activity on
11 Mr. O'Callaghan's ranch. All of the investigator's photographs of the road the ranch was
12 located on, 3489 Hercules Road, shows a heavily rutted, dirt and loose gravel road. Exhibit 1
13 pp. 32-39. It was also reasonable and foreseeable that ATV use on the ranch would have
14 included travel on the little used gravel road bordering the ranch.
15
16

17 There is a clear link between the workplace (the ranch), riding ATV's around the ranch,
18 the dangerous roads, and the lack of safety features on the ATV's, that created an increased risk
19 of harm.
20

21 Based upon the above mentioned factors, Mr. Buma's fatal ATV ride was not a "wholly
22 personal distinct departure on a personal errand", rather the two men/work colleagues, were
23 going out to enjoy a quick ATV ride on the ranch where Mr. Buma was staying for the benefit
24 of the employer. This brief recreational activity was before going to dinner with his co-worker.
25

26 The following cases offer some guidance as to how the "traveling employee" doctrine
27 has been adopted in situations where the worker, while traveling for the purpose of work, was
28 injured during either a recreational or non-work related activity.

1 **ILLINOIS**

2 The “Claimant fell and broke his leg while on a day-long sightseeing excursion on the
3 island of Maui, Hawaii. He and two other employees of appellant, including appellant's
4 president, were in Hawaii on business to install an industrial freezer.
5

6 In *Insulated Panel Co. v. Indus. Comm'n*, 318 Ill. App. 3d 100, 743 N.E.2d 1038,
7 2001.(Ill. App. Ct. 2d Dist. 2001), the appellant argued that claimant's injury did not arise out of
8 and in the course of employment. It was undisputed that claimant was a traveling employee
9 when he was injured. Under a traveling employee analysis, determination of whether an injury
10 arose out of and in the course of the employee's employment depended on the reasonableness of
11 the employee's conduct at the time of the injury and whether the employer could anticipate or
12 foresee the employee's conduct or activity.
13

14 Even though the recreational activities of a traveling employee fell outside the scope of
15 employment, any injuries incurred during those activities were compensable as long as the
16 recreational activity and the employee's conduct were reasonable and foreseeable.
17

18 The court held the activity was reasonable and foreseeable to respondent employer,
19 particularly when claimant was invited to participate and was accompanied by the president of
20 the company. The court affirmed the decision, because claimant's injury while on a sightseeing
21 excursion was reasonable and foreseeable under a traveling employee analysis.”
22

23 The accident, which caused Mr. Buma’s death, must be analyzed in the context of his
24 status as traveling employee. Riding an ATV around the ranch where he was staying may or
25 may not be definable as a recreational activity. Pursuant to *Insulated Panel* if the act of riding
26 the ATV with his co-worker/host is found to be a pursuit of a purely recreational activity, his
27 death would be compensable to his widow. It is submitted that Mr. Buma’s riding an ATV with
28

1 his co-worker, Mr. O'Callaghan on his large ranch is a "reasonable and foreseeable" activity
2 under these circumstances.

3 **KENTUCKY CASE 2000**

4
5 In *Meredith v. Jefferson County Prop. Valuation Adm'r*, 19 S.W.3d 106, 2000 Ky.
6 LEXIS 56 (Ky. 2000), the Court reversed an administrative law judge's decision and ruled that
7 an accident which occurred while an employee had stopped for coffee while waiting for an
8 appointment was compensable. The Court noted that there was no evidence to support the
9 proposition that the employee was prohibited from taking a break for coffee during a time when
10 he was waiting.
11

12 No evidence was presented that Mr. Buma was not allowed to take a short break with
13 Mr. O'Callaghan to see the ranch, after traveling all day to Carmine, Texas for the sole purpose
14 of work.

15 **UNITED STATES SUPREME COURT DECISION**

16
17 In *O'Leary v. Brown-Pacific-Maxon*, 340 U.S. 506, 507, 71 S. Ct. 471, 472, 95 L. Ed.
18 486 (1951), the US Supreme Court in determining the compensability of an industrial claim
19 held

20
21 The test of recovery is not a causal relation between the nature of employment of
22 the injured person and the accident. See, *Thom v. Sinclair* (Eng.) [1917], AC 127,
23 142, [Ann. Cas. 1917D 188 -- H.L.; "Nor is it necessary that the employee be
24 engaged at the time of the injury in activity of benefit to his employer. All that is
25 required is that the 'obligations or conditions' of employment create the 'zone of
26 special danger' out of which the injury arose.

27 Noble v. Zimmerman, 237 Ind. 556, 146 N.E.2d 828, 1957 Ind. LEXIS 299 (Ind. 1951) Ibid at
28 *O'Leary* 507.

29 This United States Supreme Court case gives guidance in Mr. Buma's case because he
30 was not necessarily engaged in a specific benefit to the employer other than taking a short break

1 after a long day of travel so, he could resume working. More importantly, Mr. O'Callaghan's
2 ranch created a "zone of special danger" because it was a large ranch in a very rural area and to
3 get around the ranch the reasonable mode of travel was using the ATV's, which had no safety
4 roll bars, on dangerous dirt/loose gravel roads where Mr. Buma was killed.
5

6 **GEORGIA**

7
8 The decedent, at the time of the injury, was returning to his hotel room after
9 eating a meal at a cafe almost directly across the street from the hotel. The
10 decedent fell and suffered a skull fracture. The only question presented on appeal
11 was whether the accidental injury sustained by the decedent arose "out of and in
12 the course of" his employment within the meaning of the Ga. Code Ann. § 114-
13 102.

14 The court held that the scope of employment of a traveling salesman was wider
15 than that of an ordinary employee. For a traveling salesman, the employment
16 relationship was not broken by the taking of meals in the usual, regular, and
17 accepted manner incident to the performance of his duties as a representative of
18 his employer.

19 The fact that the decedent had left the hotel and gone across the street for a meal
20 did not preclude the relationship of employer and employee, nor take him outside
21 the scope of his employment. Because the accidental injury arose in the course of
22 the decedent's employment, the judgment of the appellate court was reversed.
23

24 See, *Thornton v. Hartford Acci. & Indem. Co.*, 198 Ga. 786, 32 S.E.2d 816, 1945 Ga. LEXIS
25 434 (Ga. 1945)

26 In a later case the Court states, "Both the nature of the activity and the manner in which
27 the employee performs it must be reasonable." See, *Ray Bell Constr. Co. v. King*, 281 Ga. 853,
28 642 S.E.2d 841 (2007).

No evidence was presented that Mr. Buma was doing anything out of the ordinary while
riding the ATV other than taking a short break before resuming work.

WASHINGTON D.C. 1997

The traveling employee exception is recognized by most jurisdictions in this
country. Employees whose work entails travel away from the employer's premises

1 are held in the majority of jurisdictions to be within the course of their
2 employment continuously during the trip, except when a distinct departure on a
3 personal errand is shown. Thus, injuries arising out of the necessity of sleeping in
4 hotels or eating in restaurants away from home are usually held compensable.
5 Traveling employees are employees for whom travel is an integral part of their
6 jobs, such as those who travel to different locations to perform their duties, as
7 differentiated from employees who commute daily from home to a single
8 workplace.

9 Traveling employees' travel is deemed a work-related risk. They differ from
10 ordinary commuters, and are exposed, by virtue of their employment, to risks
11 greater than those encountered by the traveling public. See, *Kolson v. District of*
12 *Columbia Dep't of Empl. Servs.*, 699 A.2d 357, 1997 D.C. App. LEXIS 187 (D.C.
13 1997)

14 MAINE

15 The traveling employee exception has been recognized by most jurisdictions in
16 this country: Employees whose work entails travel away from the employer's
17 premises are held in the majority of jurisdictions to be within the course of their
18 employment continuously during the trip, except when a distinct departure on a
19 personal errand is shown. Thus, injuries arising out of the necessity of sleeping in
20 hotels or eating in restaurants away from home are usually held compensable. 2
21 LARSON, supra, § 25.00 (1997) (footnote omitted).

22 Traveling employees are employees for whom travel is an integral part of their
23 jobs, such as those who travel to different locations to perform their duties, as
24 differentiated from employees who commute daily from home to a single
25 workplace. Traveling employees' travel is deemed a work-related risk They
26 differ from ordinary commuters, and are exposed, by virtue of their employment,
27 to risks greater than those encountered by the traveling public. See, *Boyce v.*
28 *Potter*, 642 A.2d 1342, 1343 (Me. 1994) (citations omitted).

29 WASHINGTON

30 The Washington Supreme Court makes perhaps one of the most comprehensive analyses
31 of when a traveling employee is injured or killed when not performing a specific work duty.

32 This case addresses the doctrines of the traveling employee; course and scope; personal comfort
33 and increased risks. *Ball-Foster Glass Container Co. v. Giovanelli*, 163 Wn.2d 133 | 177 P.3d
34 692 | 2008 Wash.

35 The *Giovanelli* Court stated as follows:

1 The statutory phrase arising out of and in the course of employment," which
2 appears in most workmen's compensation laws, is deceptively simple and
3 litigiously prolific. Although each case must be resolved in view of the particular
4 facts, over time a number of intermediate standards for evaluating whether an
5 injury occurs "in the course of employment" have developed as courts apply this
6 statutory language to cases presenting similar fact patterns. Several doctrines
7 address situations in which an employee is injured while off the employer's
8 premises and/or not actually engaged in work duties. **The common principle
9 underlying each of these doctrines is that it is generally not necessary that a
10 worker was actually performing the duties for which he or she was hired at
11 the time of an accident in order for an injury to be compensable. It is
12 sufficient if the injury arises out of a risk that is sufficiently incidental to the
13 conditions and circumstances of the particular employment. (emphasis added)**
14 In doubtful cases, the act is to be construed liberally in favor of compensation for
15 the injured worker.

16 In Nevada we are aware that no laws are to be liberally construed in favor of the injured
17 worker but rather they are to be given a neutral reading.

18 In the instant case, although riding an ATV was not one of Mr. Buma's specific job
19 duties, one of the modes of transportation around the 75 acre ranch where he was staying and
20 working, was conceivably by ATV.

21 The *Giovenelli* Court goes on to explain,

22 "The traveling employee doctrine, also known as the "commercial traveler rule,"
23 or the "continuous coverage rule," is the prevailing view throughout the United
24 States. A traveling employee is generally considered to be in the course of
25 employment continuously during the entire trip, except during a distinct departure
26 on a personal errand. The rationale for this extended coverage is that when travel
27 is an essential part of employment, the risks associated with the necessity of
28 eating, sleeping, and ministering to personal needs away from home are an
incident of the employment even though the employee is not actually working at
the time of injury. The rule recognizes that a traveling employee is subjected to
hazards he or she would otherwise have the option of avoiding, and that the
hazards of travel become the hazards of the employment." *Id. at 134*

Mr. Buma was a traveling employee. An increased and distinct risk associated with
staying at Mr. O'Callaghan's ranch was riding an ATV to get around it. The roads were rutted
dirt and loose gravel roads "caliche" as testified to by Mr. O'Callaghan and clearly shown by

1 the investigator in the pictures he took of the road and place Mr. Buma was killed. Travel in
2 this case could also be construed as Mr. Buma riding an ATV around the ranch where he was
3 staying and working thereby once again making his death claim compensable.

4
5 In *Giovanell* the court stated, "When employees are required by their employers to
6 travel to distant jobsites, courts generally hold that they are within the course of their
7 employment throughout the trip, unless they are pursuing a distinctly personal activity." *Id. At*
8 134

9
10 We believe that Mr. Buma was not pursuing a distinctly personal activity because he and
11 his co-worker were taking a brief break together, before dinner, on the ranch where he was
12 staying. Mr. Buma was entitled to a break after a very long day of traveling. This specific
13 activity of riding Mr. O'Callaghan's ATV's was a reasonable activity in the context of staying
14 on his 75 acre ranch.

15
16 The following cases set forth examples of what courts have found to be situations where
17 an employee has left the course of employment.

18 We believe the proper inquiry is whether the employee was pursuing normal
19 creature comforts and reasonably comprehended necessities or strictly personal
20 amusement ventures. Although distinguishing between reasonable personal
21 ministrations and purely personal amusement ventures may be difficult, courts
22 have had little difficulty denying compensation for unusual or unreasonable
23 activities. See, e.g., *E. Airlines v. Rigdon*, 543 So. 2d 822 (Fla. Dist. Ct. App.
24 1989) (denying compensation for employee injured during skiing trip at resort
25 over 50 miles from hotel); *Buczynski*, 934 P.2d 1169 (hot tub injury occurring in
26 hotel 150 miles away from convention center and days before convention not
27 compensable). *Id. at Giovanelli*, 143.

28
The *Giovanelli* Court reasoned as follows:

26 "The rationale of the traveling employee doctrine is that an employee is entitled to
27 increased coverage commensurate with the increased risk associated with travel,
28 in evaluating the compensability of injuries occurring off-duty, the focus should
be whether the injury is fairly attributable to the increased risks of travel. Thus,
the standard for determining whether an activity is a "distinct departure" should

1 be consistent with the standard applicable to injuries that occur on the jobsite,
2 while the employee is not actually engaged in work, such as during a rest break or
3 lunch period. *Id.* at 144

4 The personal comfort doctrine is described as follows in *Giovanelli*

5 “In determining whether there has been a “distinct departure” that takes one
6 outside the course of employment, courts analogize to the “personal comfort”
7 doctrine. *Bergmann Precision, Inc. v. Indus. Comm'n*, 199 Ariz. 164, 15 P.3d 276
8 (Ct. App. 2000).

9 “Compensation in such areas is predicated on the premise that these acts do not
10 take the employee out of the scope of employment because they are necessary to
11 his health and comfort.” *N.&L. Auto Parts Co. v. Doman*, 111 So. 2d 270, 272
12 (Fla. Dist. Ct. App. 1959). ¶38 Seeking personal comfort should fall outside the
13 course of employment only if the method chosen is “unusual or unreasonable.” 2
14 *Larson & Larson, supra*, § 21.08. The record here does not support St. Gobain's
15 assertion that Giovanelli walked against the light, and to the extent Giovanelli's
16 Sunday stroll was “inherently dangerous,” as St. Gobain contends, much of the
17 risk can be attributed to the circumstances of his employment.

18 Mr. Buma's stay at the ranch to work, created risks that were unique to the circumstances
19 of his employment while attending the Oil and Gas conference because he worked with
20 Mr. O'Callaghan and they used the extra hours of being together to plan and strategize for the
21 days of actual meeting and presentations that

22 CONCLUSION

23 The undisputed testimony and evidence demonstrates that all of Mr. Buma's clients
24 were outside Nevada where he actually lived and had his office. That on the day of his death
25 Mr. Buma was fulfilling the duties of his job by traveling to Huston, Texas and thereafter to
26 Carmine, Texas for the sole purpose of work. By definition, Mr. Buma was a traveling
27 employee.

28 Staying at his co-workers ranch in Carmine, Texas was reasonable and for the benefit of
the company. As Mr. O'Callaghan described, it essentially allowed them to plan, work and
strategize for the next days of presentations and meetings with potential clients at the Oil and

1 Gas Industry Conference. It can be concluded that the employer was aware that Mr. Buma
2 stayed at Mr. O'Callaghans' ranch since he had stayed there two times in the prior two years for
3 these conferences. A further benefit to the company is that no lodging expenses were incurred
4 by Mr. Buma when he stayed at Mr. O'Callaghan's ranch.
5

6 As the aforementioned cases discuss, the question becomes, as a traveling employee, was
7 Mr. Buma still within the course and scope of his employment when he went for a quick ATV
8 ride on Mr. O'Callaghans' ranch, before dinner?
9

10 It is submitted that Mr. Buma was in the course and scope of his employment when his
11 death occurred because, he was a traveling employee simply attending to a personal comfort by
12 enjoying a short break and taking a quick ATV ride. His risk of injury was increased because of
13 the simple fact that he was not staying in a plush Houston hotel but on a ranch. Riding ATV's
14 around the 75 acre ranch was a reasonable mode of transportation. That riding an ATV without
15 a roll bar also increases the risk of accident.
16

17 Leisure activity that allows an employee to relax has certainly evolved over the years and
18 is no longer strictly confined to walks in the park. Mr. Buma had been traveling all day by
19 plane and automobile and after meeting with Mr. O'Callaghan for approximately one and one
20 half hours asked to take a break and ride the ATV's.
21

22 This was not an unreasonable activity when viewed from the "totality of the
23 circumstances" and the "personal comfort doctrine". People do not have to stay in their rooms
24 to remain within the course and scope of employment while traveling. See, *McDonald v. State*
25 *Highway Dep't*, 127 Ga. App. 171, 176, 192 S.E.2d 919 (1972).
26

27 In this instance Mr. Buma and Mr. O'Callaghan took a break and went for an ATV ride.
28 This could be considered a relaxing, fun activity to engage in after a long day of travel. It could

1 also be determined to be a necessary mode of transportation to navigate around
2 Mr. O'Callaghan's 75 acre ranch.

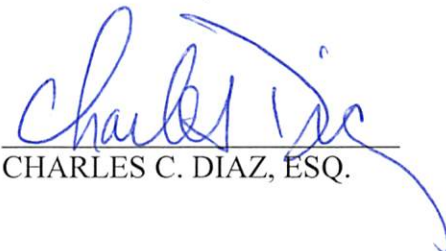
3 The inherent workplace risks and conditions associated with Mr. O'Callaghan's ranch
4 certainly increased the risk to Mr. Buma. Being on a 75-acre ranch in Texas is not necessarily a
5 tame, civilized environment and may expose one to the dangers of everything from loose
6 footing to dangers from ranch animals like horses and cattle and from exposure to extreme heat
7 to encounters with wild animals like rattlesnakes or coyotes.

8 Instead of taking a walk before dinner the two co-workers took an ATV ride. There were
9 numerous risks associated with staying and working at the ranch. Specifically the dirt roads and
10 the means of travel around the ranch on the ATV's, which in turn caused his death. It was the
11 totality of the increased risks and circumstances of staying and working on the ranch, which
12 placed Mr. Buma within the course and scope of his employment when he was killed.

13 For all of the above stated particular factors of this case, coupled with the law of Nevada
14 and jurisdictions around the country, we believe that our Nevada Supreme Court would adopt
15 the traveling employee doctrine to find Mr. Buma's death as compensable under the workers
16 compensation laws of Nevada.

17 DATED this 1st day of August, 2016.

18 DIAZ & GALT, LLC

19 
20 CHARLES C. DIAZ, ESQ.

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Appeals Office
Department Of Hearings
1050 E Williams Street, Ste. 450
Carson City, NV 89701

Lee Davis, Esq.
Lewis Brisbois Bisgaard & Smith LLP
2800 W Sahara Ave., Ste. 300 Box 28
Las Vegas NV 89102

Heather Price
HEATHER PRICE

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LEE DAVIS ESQ
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W SAHARA AVE STE 300 BOX 28
LAS VEGAS NV 89102-4375



BEFORE THE APPEALS OFFICER**FILED**

NOV 17 2015

DEPT. OF ADMINISTRATION
APPEALS OFFICERIn the Matter of the Contested
Industrial Insurance Claim of:

Claim No: E2C12430

Hearing No: 53765-SA

Appeal No: 54752-LLW

JASON BUMA,

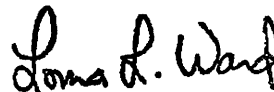
Claimant.

NOTICE OF APPEAL AND ORDER TO APPEAR

1. **ALL PARTIES IN INTEREST ARE HEREBY NOTIFIED** that a hearing will be held by the Appeals Officer, pursuant to NRS 616 and 617 on:

DATE: Monday, February 1, 2016**TIME:** 3:30PM**PLACE:** DEPT OF ADMINISTRATION, APPEALS OFFICE
1050 E. WILLIAMS STREET, SUITE 450
CARSON CITY, NV 89701

2. The **INSURER** shall comply with NAC 616C.300 for the provision of documents in the Claimant's file relating to the matter on appeal.
3. **ALL PARTIES** shall comply with NAC 616C.297 for the filing and serving of information to be considered on appeal.
4. Pursuant to NRS 239B.030(4), any document/s filed with this agency must have all social security numbers redacted or otherwise removed and an affirmation to this effect must be attached. The documents otherwise may be rejected by the Hearings Division.
5. Pursuant to NRS 616C.282, any party failing to comply with NAC 616C.274-.336 shall be subject to the Appeals Officer's orders as are necessary to direct the course of the Hearing.
6. Any party wishing to reschedule this hearing should consult with opposing counsel or parties, and immediately make such a request to the Appeals Office in writing supported by an affidavit.
7. The injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

IT IS SO ORDERED.LORNA L WARD
APPEALS OFFICER

NOTICE OF APPEAL AND REQUEST FOR HEARING BEFORE THE APPEALS OFFICER

ANY AGGRIEVED PARTY MAY APPEAL THIS DECISION BY FILING THIS NOTICE OF APPEAL WITH THE APPEALS OFFICE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. IF YOU WISH TO APPEAL, PLEASE FILL OUT THIS FORM COMPLETELY AND MAIL TO:

Appeals Officer
1050 East William Street, Suite 450
Carson City, NV 89701

Claim No. : E2C12430
Claimant : JASON BUMA C/O THE ESTATE OF JASON BUMA
Address : 1951 ROLLING BROOK LANE
RENO, NV 89519-8342

Name & Address of Employer
AT THE TIME OF INJURY: PROVIDENCE CROP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

Date of Hearing Officer Decision : OCTOBER 23, 2015
Hearing Number : 53765-SA

STATE OF NEVADA
DEPT OF ADMINISTRATION
HEARINGS DIVISION
APPEALS OFFICE

2015 NOV 10 PM 1:13

RECEIVED
AND
FILED

WHO IS APPEALING? (Claimant X) (Employer) (Insurer)

REASON FOR APPEALING: Disagree with Hearing Officer's Decision.

WILL AN INTERPRETER BE REQUIRED? (Yes) (No X)
If so, what language? Spanish

ATTACH A COPY OF YOUR HEARING OFFICER'S DECISION TO THIS REQUEST

CLAIMANT NOTE: You are entitled to have the Nevada Attorney for Injured Workers (NAIW) appointed to represent you at no cost to you. The NAIW is not associated with Employers Insurance Company of Nevada (EICN). You may represent yourself or may retain a private attorney at your own expense.

Check one:

- () Appoint the Nevada Attorney for Injured Workers at no cost to me.
() I will represent myself.
(X) I have retained the following law firm: Diaz & Galt, LLC

EMPLOYER NOTE: Employers are not entitled to the services of NAIW. The employer will be represented by: _____

TODAY'S DATE: Nov. 10, 2015

Charles Diaz
(Signature of person requesting appeal)

CHARLES DIAZ
(Print name of person requesting appeal)

Law Offices of Diaz & Galt, LLC
443 Marsh Ave.
Reno, Nevada 89509
(775) 324-6443

54752-LLW
mon-2-1-16
3:30

CERTIFICATE OF MAILING

The undersigned, an employee of the State of Nevada, Department of Administration, Hearings Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **NOTICE OF APPEAL AND ORDER TO APPEAR** was duly mailed, postage prepaid OR placed in the appropriate addressee runner file at the Department of Administration, Hearings Division, 1050 E. Williams Street, Carson City, Nevada, to the following:

JASON BUMA
C/O THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519-8342

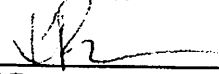
CHARLES C DIAZ, ESQ.
443 MARSH AVE
RENO NV 89509

PROVIDENCE CORP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

GALLAGHER BASSETT SERVICES INC
PO BOX 8009
ITASCA, IL 60143

LEE DAVIS ESQ
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W SAHARA AVE STE 300 BOX 28
LAS VEGAS NV 89102-4375

Dated this 17th day of November, 2015.



Kristi Fraser, Legal Secretary II
Employee of the State of Nevada

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
HEARINGS DIVISION

In the matter of the Contested
Industrial Insurance Claim of:

Hearing Number: 53765-SA
Claim Number: E2C12430

JASON BUMA
C/O THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519-8342

PROVIDENCE CORP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

BEFORE THE HEARING OFFICER

The Claimant's widow's request for Hearing was filed on August 13, 2015 and a Hearing was scheduled for September 3, 2015 and continued to October 19, 2015. The Hearing was held on October 19, 2015 in accordance with Chapters 616 and 617 of the Nevada Revised Statutes.

The Claimant's widow, Kaycean, and her attorney, Marialice Galt, were present by telephone conference call. The Employer was not present. The Insurer was represented by Lee Davis, Esquire, by telephone conference call.

ISSUE

The Claimant's widow appealed from the Insurer's determination dated June 25, 2015. The issue before the Hearing Officer is claim denial.

DECISION AND ORDER

The determination of the Insurer is hereby **AFFIRMED**.

Having reviewed the submitted evidence and in consideration of the representations made at today's hearing, the Hearing Officer finds claim denial is proper. On May 27, 2015 a C-4, Employee's Claim for Compensation, was completed by the Claimant's widow. To date, the C-4 has not been signed by any physician. When questioned, the Claimant's counsel indicated that due to the Claimant's death, no physician examined the Claimant and thus the death certificate was provided. The Claimant worked as the sales vice president for enterprise accounts for this employer. There exists no dispute that the Claimant traveled to Houston to attend an oil and gas conference to begin on March 30, 2015. The Claimant arrived on March 29, 2015, went to a co-worker's ranch where he was staying when he and his co-worker decided to take an ATV ride before going to dinner. During the ride, the Claimant was involved in an ATV accident resulting in his death. The Claimant's counsel indicates the Claimant was in the course and scope of his employment due to his traveling status while the Insurer disagreed. "Course of employment" means an injury that takes place within the period of employment, at a place where the employee reasonably may be, and while he is fulfilling his duties or engaged in doing something incidental thereto. An activity is related to the

In the Matter of the Contested
Industrial Insurance Claim of
Hearing Number:
Page 2

JASON BUMA
53765-SA

employment if it carries out the employer's purposes or advances his interests directly or indirectly. The modern trend is that injury is compensable where it results from activity that is, in fact, an inherent part of the condition of the employment. A recorded statement from the co-worker riding with the Claimant clearly indicates the Claimant asked to go on an ATV ride which they had done in the past and the ride was unrelated to any work activities. Clearly the ATV ride was a deviation of any work activity. The Hearing Officer finds the Insurer's determination is proper as the Claimant's death was not a result of and/or related to his employment duties and, in fact, to the contrary.

APPEAL RIGHTS

Pursuant to NRS 616C.345(1), should any party desire to appeal this final Decision and Order of the Hearing Officer, a request for appeal must be filed with the Appeals Officer within thirty (30) days of the date of the decision by the Hearing Officer.

IT IS SO ORDERED this 23rd day of October, 2015.


Sondra L Amodei, Hearing Officer

CERTIFICATE OF MAILING

The undersigned, an employee of the State of Nevada, Department of Administration, Hearings Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **DECISION AND ORDER** was deposited into the State of Nevada Interdepartmental mail system, **OR** with the State of Nevada mail system for mailing via United States Postal Service, **OR** placed in the appropriate addressee runner file at the Department of Administration, Hearings Division, 1050 E. Williams Street, Suite 400, Carson City, Nevada, to the following:

JASON BUMA
C/O THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519-8342


CHARLES C DIAZ, ESQ.
443 MARSH AVE
RENO NV 89509

PROVIDENCE CORP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

GALLAGHER BASSETT SERVICES INC
PO BOX 400970
LAS VEGAS, NV 89140

DANIEL SCHWARTZ, ESQ
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W SAHARA AVE STE 300 BOX 28
LAS VEGAS NV 89102-4375

Dated this 23rd day of October, 2015.



Karen Dyer
Employee of the State of Nevada

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ORIGINAL

BEFORE THE
DEPARTMENT OF ADMINISTRATION

_____)
In the Matter of the)
Contested Industrial)
Insurance Claim of,)
 of) Claim No.: E2C12430
JASON BUMA,) Appeal No.: 54752-LLW
 Claimant.)
_____)

TRANSCRIPT OF PROCEEDINGS

BEFORE LORNA WARD
APPEALS OFFICER

April 13, 2016
9:58 a.m.

1050 East William, Suite 450
Carson City, Nevada 89701

Ordered by: Charles C. Diaz, Esq.
Attorney at Law
443 Marsh Avenue
Reno, Nevada 89509

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A P P E A R A N C E S

On behalf of the Claimant:

Charles C. Diaz, Esq.
Attorney at Law
443 Marsh Avenue
Reno, Nevada 89509

On behalf of the Employer and the Insurer:

Lee Davis, Esq.
Lewis, Brisbois, Bisgaard & Smith
2300 W. Sahara Avenue, Suite 300, Box B
Las Vegas, Nevada 89102

1	I N D E X				
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3	EXAMINATION	DIRECT	CROSS	REDIRECT	RECROSS
4	KAYCEAN BUMA	8	21		
5					
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9	EXHIBITS	IDENTIFIED		IN EVIDENCE	
10					
11	EXHIBIT 1		5		6
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P R O C E E D I N G S

APPEALS OFFICER WARD: The date today is April 13, 2016. This is the time set for hearing in the matter of the industrial insurance claim of Jason -- is it Buma?

MR. DIAZ: Buma.

APPEALS OFFICER WARD: Buma?

MS. BUMA: Buma.

APPEALS OFFICER WARD: Buma. Sorry.

MS. BUMA: No, that's all right. I have to explain it to my class every day.

APPEALS OFFICER WARD: Okay. Jason Buma who is deceased.

And your first name? I'm sorry.

MS. BUMA: Kaycean.

APPEALS OFFICER WARD: Casey?

MS. BUMA: Want me to spell it for you?

APPEALS OFFICER WARD: Kaycean?

MS. BUMA: Yeah, K-A-Y-C-E-A-N.

APPEALS OFFICER WARD: Kaycean Buma?

MS. BUMA: Buma.

APPEALS OFFICER WARD: Buma. Sorry.

MS. BUMA: That's all right.

APPEALS OFFICER WARD: Is really the person --

1 the real person in interest in this case. This is
2 Appeal No. 54752, and the Claimant, Ms. --

3 MR. DIAZ: Buma.

4 APPEALS OFFICER WARD: Buma. Buma. Sorry.

5 MS. BUMA: That's all right.

6 APPEALS OFFICER WARD: Is represented by
7 Charles Diaz. And the Employer, Providence Corp
8 Development, doing business as Miller Heiman,
9 Incorporated, and the Insurer's third party
10 administrator, Gallagher Bassett Services, are
11 represented by Lee Davis.

12 This is the Claimant's appeal of the
13 October 23rd, 2015, Hearing Officer decision which
14 affirmed claim denial in this case. And I have one
15 exhibit from the Third Party Administrator.

16 Oh, and it looks to me like CNA Claims Plus is
17 the Insurer?

18 MR. DAVIS: Yes, with Gallagher Bassett.

19 APPEALS OFFICER WARD: Okay. All right. I
20 have one exhibit from Mr. Davis and three from
21 Mr. Diaz.

22 So the first one is from the Insurer and is
23 there any objection to this?

24 MR. DIAZ: No.

25 APPEALS OFFICER WARD: It's marked and

1 admitted as Exhibit No. 1.

2 And then I have three from Mr. Diaz. The
3 first one is 48 pages.

4 Is there any objection to any of these?

5 MR. DAVIS: No, your Honor.

6 APPEALS OFFICER WARD: Okay. This is marked
7 and admitted as Exhibit No. 2. The first supplemental
8 evidence packet which continues onto Page 66 is marked
9 and admitted as Exhibit No. 3, and then the last one,
10 67 to 70, is marked and admitted as Exhibit No. 4.

11 Okay. We had a short discussion before the
12 hearing regarding how we were going to proceed kind of
13 procedurally, and it's my understanding that the
14 parties wish to do written closing arguments, which is
15 fine with me.

16 So I'm not sure we need an opening statement,
17 but I'm willing to go ahead.

18 MR. DIAZ: Real brief.

19 APPEALS OFFICER WARD: Okay.

20 MR. DIAZ: Since we're not going to -- since
21 we're not going to try to sum it up.

22 APPEALS OFFICER WARD: Okay.

23 MR. DIAZ: This is, of course, a death claim,
24 and it involves a traveling employee. I believe the
25 evidence is going to show that Mr. Buma was in the --

1 was traveling for a couple of different purposes on the
2 day of his death and that the activity that caused his
3 death was reasonable, foreseeable, and therefore,
4 arising out of and in the course of his employment with
5 Miller Heiman.

6 APPEALS OFFICER WARD: Thank you. And
7 Mr. Davis.

8 MR. DAVIS: You know, your Honor, I think all
9 three of us are aware that that's the issue, is whether
10 or not this gentleman -- the activity that he was
11 performing at the time of his death, whether that was
12 within the course and scope of employment.

13 We discussed that this really is a legal
14 issue. The Nevada Supreme Court hasn't ruled
15 specifically on this specific fact pattern, but there
16 are cases out there. We'll be dealing with those in
17 our closing briefs.

18 APPEALS OFFICER WARD: Okay. Sounds great.
19 So I believe that --

20 MR. DIAZ: One witness.

21 APPEALS OFFICER WARD: Mrs. Buma is a witness?

22 MR. DIAZ: Yes.

23 APPEALS OFFICER WARD: Okay. I'm going to
24 have you sit right there in the witness chair.

25 THE WITNESS: Okay.

1 APPEALS OFFICER WARD: And your testimony
2 today will be recorded, and I'd like to place you under
3 oath. Could you please raise your right hand?

4 Do you solemnly swear that the testimony you
5 give today will be the truth, the whole truth, and
6 nothing but the truth so help you God?

7 THE WITNESS: Yes.

8 APPEALS OFFICER WARD: Thank you.

9

10 DIRECT EXAMINATION

11 BY MR. DIAZ:

12 Q Mrs. Buma, your name for the record?

13 A Kaycean Buma.

14 Q You've already spelled it for the Court.

15 A Um-hmm.

16 Q Your relationship to Jason Buma?

17 A Wife.

18 Q How long?

19 A 18 years.

20 Q Children?

21 A One.

22 Q Name?

23 A Daughter, Delaney.

24 Q Age?

25 A 15.

1 Q Your occupation?

2 A Teacher.

3 Q Okay. And your education is consistent, a

4 bachelor's degree and a teaching credential?

5 A Yes.

6 Q Your husband's education?

7 A Bachelor degree.

8 Q Okay. Are you familiar -- did you know any of

9 his employment history in sales?

10 A Yes.

11 Q Could you briefly outline it?

12 A He started working for Kinko's selling

13 printing to attorneys. Ended up working for Kinko's

14 Corporate. Started work at Miller Heiman.

15 Q Back in what year?

16 A Let me think. Right after we got married. So

17 1998 maybe.

18 Q Um-hmm.

19 A Then he switched to Corporate Visions and

20 became the president there and --

21 Q Was that a sales position?

22 A Yes, started as a sales position. Then he

23 worked for -- as regional manager for H & R Block, and

24 ended up back at Miller Heiman.

25 Q What was your understanding -- what was your

1 understanding of what Miller Heiman does?

2 A Miller Heiman sells sales training to
3 different companies to help them improve their
4 productivity.

5 Q What sort of companies?

6 A Dresser-Rand, Halliburton Burton, Disney,
7 Foster Farms.

8 Q National or international companies?

9 A Both.

10 Q All right. What was your -- what's your
11 understanding of what Jason Buma's job was?

12 A He met with current clients and then potential
13 new clients and talked to them about how they could
14 increase their sales production by using Miller Heiman
15 products, going through their training.

16 Q So basically a sales position?

17 A Yes.

18 Q How was that -- how did he accomplish that, if
19 you know?

20 A He worked a lot on the phone, e-mail.

21 Q Well, let me ask you this: As far as leads,
22 leads for --

23 A He was --

24 Q -- sales.

25 A He was given leads from people inside Miller

1 Heiman. There's a group that pumps out leads.

2 Q All right. And then would his job also

3 include presentations?

4 A Yes.

5 Q To potential clients?

6 A Yes.

7 Q And how did -- do you know anything about

8 those?

9 A He would spend time on the phone, e-mail,

10 traveling to meet people to put together presentations.

11 Q All right. And presentations are usually

12 something that -- would he do that in person?

13 A Yes.

14 Q With anyone else?

15 A A sales consultant usually.

16 Q Okay. And were these -- a sales consultant,

17 would that be someone that worked with Miller Heiman or

18 was associated with them?

19 A It's my understanding usually a sales

20 consultant was an independent person from Miller

21 Heiman.

22 Q All right.

23 A But used Miller Heiman products.

24 Q Where did Jason work most of the time?

25 A At home.

1 Q Okay. Just on a rough basis or whatever you
2 can say about it, what portion of his work or
3 percentage of his work involved travel?

4 A 40 to 50 percent.

5 Q All right. And where would that travel
6 usually be, if you know?

7 A It depended on what client he was with. He
8 went to California a lot. He went to Texas a lot. He
9 had started to fly back to Florida a lot, Chicago. It
10 sort of depended on where the client was.

11 Q To the best of your knowledge did Jason have
12 any clients in Nevada?

13 A No.

14 Q He did not have any clients?

15 A Not that I'm aware of.

16 Q All right. When he traveled for work, if you
17 know, where would he normally stay?

18 A Hotels.

19 Q All right. And would he ever stay at any
20 co-worker's homes?

21 A When he stayed with Mickey is the only time he
22 stayed with a co-worker.

23 Q And that would be Michael O'Callaghan?

24 A Yes. I'm sorry.

25 Q All right. Now, he worked out of the home 40

1 to 50 percent?

2 A Um-hmm.

3 Q Who would make the travel arrangements,
4 rental, hotel reservations, vehicle reservations, if
5 they were necessary? How would that be handled?

6 A He did it.

7 Q And how would those be paid for?

8 A On our credit card.

9 Q And what was the policy, if you know, about
10 him getting paid for those?

11 A He would have to go through the credit card
12 and submit the bill and the receipts for everything,
13 and then he would send it in to somebody and then they
14 would reimburse us.

15 Q Okay. Now, that policy or that way of doing
16 things changed not too long before he went to Houston?

17 A Right.

18 Q Could you tell us about that?

19 A They had finally --

20 Q "They" being Miller Heiman?

21 A Oh, Miller Heiman employees, I guess the
22 salespeople, finally received a business credit card in
23 which they could put their expenses on that rather than
24 their personal.

25 Q And how long prior to Jason's death did he

1 receive -- are you aware that he received a corporate
2 credit card?

3 A I want to say six weeks-ish, yeah.

4 Q What about his hours? You were in the unique
5 situation of being with him a great deal of the time
6 when he worked.

7 A Um-hmm.

8 Q And I think you testified about half or a lot
9 of -- a lot of the time --

10 A Oh, yeah.

11 Q -- was in Reno. He would work out of the
12 house?

13 A He would work out of the house, yeah.

14 Q And he had an office?

15 A He had an office space in the house, and he
16 was usually up and returning e-mails by 6:00 o'clock in
17 the morning, on the phone by 7:00, you know, calls at
18 night after 5:00 o'clock, sometimes up till 9:00 or
19 10:00 depending, you know.

20 Q Was there any bounds as far as days or --

21 A No.

22 Q -- times when he didn't work?

23 A No. Weekend calls. Vacation calls.

24 Q All right.

25 A Calls while hiking.

1 Q And these were all calls to and from --

2 A Different -- different people he was working
3 with, whether it be people from Miller Heiman, sales
4 consultants, people from companies he was working with.
5 It was just a little bit of everybody.

6 Q Would you say he was pretty much on call then
7 all the time?

8 A Yes.

9 Q Your husband died during a trip, a business
10 trip to Houston?

11 A Um-hmm. Yes.

12 Q Yes. What did you know about that trip?

13 A That he was flying in the day before to work
14 with Mickey, Michael, on a presentation that they were
15 giving the next morning early.

16 Q Okay. What type of -- what type of company or
17 did you know what kind of companies he was making the
18 presentation for?

19 A When he went to Houston usually it was an oil
20 or gas company, and I believe Dresser-Rand has
21 something to do with equipment for oil drilling or any
22 type of drilling.

23 Q Right. So do you remember when he left for
24 the trip?

25 A I dropped him off at the airport a little bit

1 before 5:00 in the morning.

2 Q On?

3 A On the 29th.

4 Q On the 29th?

5 A Um-hmm.

6 Q And . . .

7 APPEALS OFFICER WARD: Was that in the

8 morning?

9 THE WITNESS: Yes.

10 APPEALS OFFICER WARD: Okay.

11 BY MR. DIAZ:

12 Q And did you hear from him after that?

13 A I heard from him briefly when he landed and

14 his phone -- he had been having problems with his

15 phone. His phone died. So he said, "I'll call you

16 when I get there."

17 Q Okay. Did you ever get that call?

18 A He called and said, "I'm at Mickey's. I'll

19 talk to you tonight after dinner."

20 Q Okay. Did you -- was it your understanding

21 that he had -- that he was working on a presentation

22 with Mickey?

23 A Yeah.

24 Q Okay.

25 A Yes. Sorry.

1 Q And was it your understanding that they were
2 going to be working in the house, at Mickey's house?
3 A Yes.
4 Q Okay. So what was -- what was the general
5 plan as you understood the trip?
6 A He was going to fly in.
7 Q Fly in. Go to the ranch?
8 A Go to the ranch.
9 Q And by "the ranch," do you know anything about
10 the ranch?
11 A It's fairly big. You know, he's got a couple
12 of houses on it, one where people can -- like a guest
13 house which is where Jason was staying.
14 Q Okay.
15 A You know, it's got like some fishing and some
16 hunting on it, that kind of thing.
17 Q When you say fishing and hunting what do you
18 mean?
19 A I think it's got a big pond that's always
20 stocked with fish, and they can hunt on the property.
21 Q Right.
22 A It's fairly large.
23 Q Okay.
24 A I don't know how large but fairly large.
25 Q Were either one of these activities any that

1 Jason had participated in in the past?

2 A At Mickey's?

3 Q Yes.

4 A No.

5 Q Okay. So I think your testimony was that

6 there was a presentation the next day?

7 A Yes. So he was going to fly in. They were

8 going to work on the presentation that they had for the

9 next morning.

10 Q And what was your understanding of how far the

11 presentation was from Mickey's ranch?

12 A About two hours.

13 Q Two-hour drive?

14 A Into Houston, yeah, a two-hour drive into

15 Houston.

16 Q All right. What was the -- what, if you know,

17 was the plan after the presentations were to take

18 place?

19 A They had a meeting that morning, and I believe

20 there was a meeting later in the day. And then the

21 next day they were to attend some type of Houston

22 strategic planning summit, you know, which I think

23 involved just meeting people from different companies.

24 Q So it was a -- would it be accurate to say

25 that Jason was attending that as a -- for Miller

1 Heiman?

2 A Yes.

3 Q Okay. So it was part of his --

4 A Yes.

5 Q Part of the business trip?

6 A It was part of it, right. It was part of the

7 business trip.

8 Q All right. Now, did you personally know

9 Michael O'Callaghan?

10 A I had talked to him on the phone.

11 Q Okay.

12 A But I didn't meet Michael until after Jason

13 passed.

14 Q Do you know if your husband worked with

15 Mr. O'Callaghan on a regular basis?

16 A Yes, he did.

17 Q How often would his name come up or would you

18 be aware that --

19 A Oh, gosh.

20 Q -- they were working together, if you know?

21 A They worked together a lot. I mean, every

22 other week, you know.

23 Q So this particular presentation that was

24 supposed to be in Houston the day after on the 30th,

25 that wasn't the only business that they --

1 A No.

2 Q -- were working on together?

3 A No.

4 Q And was this business in the course -- was

5 this other business with Mr. O'Callaghan, the deals,

6 whatever you want to call them, were these all for

7 Miller Heiman?

8 A Yes, because Jason only worked for Miller

9 Heiman.

10 Q Okay. Do you know how many times Jason stayed

11 with Mr. O'Callaghan in the past?

12 A One I can remember specifically and maybe

13 another.

14 Q Okay. How long prior -- how far along prior

15 in time to March 30th?

16 A How long did he stay there?

17 Q No.

18 A Oh.

19 Q In terms of time, was it a long time ago? A

20 short time ago? Six months? A year?

21 A Well, every year they have the oil summit. So

22 it was for sure during the oil summit which he was

23 supposed to be going back again to.

24 Q Okay.

25 A After this last trip.

1 Q So Jason had attended the oil summit in
2 previous years?

3 A Yes.

4 Q And had he attended that -- do you know who he
5 attended that with in previous years?

6 A Oh, my gosh, no. There's so many of them.

7 Q Okay. Good enough.

8 Okay. Now, did Jason ever stay at
9 Mr. O'Callaghan's ranch for pleasure?

10 A No.

11 Q Okay. What percentage of your -- when we
12 describe your husband's job what percentage of it, if
13 you know, was actually sales, new sales or sales
14 developments, presentations, things like that?

15 A New sales? I can't give you an actual
16 percentage.

17 Q Okay.

18 MR. DIAZ: Okay. All right. I'll pass the
19 witness.

20 APPEALS OFFICER WARD: Mr. Davis?

21 MR. DAVIS: Thank you.

22

23 CROSS-EXAMINATION

24 BY MR. DAVIS:

25 Q Ma'am, I just have a couple of questions.

1 A Sure.

2 Q And once again, if you know the answer.

3 A Um-hmm.

4 Q Mr. O'Callaghan, Mickey, he owned his own
5 company?

6 A He did not.

7 Q He did not?

8 A No.

9 Q Okay. And he was an independent consultant
10 that Miller Heiman would hire?

11 A Right.

12 Q He was not an employee of Miller Heiman?

13 A Correct.

14 Q Okay.

15 A Yeah.

16 Q Okay. I just wanted to be clear.

17 A Yeah, I know. I know that.

18 MR. DAVIS: That's all I have. Thank you.

19 APPEALS OFFICER WARD: Anything further?

20 MR. DIAZ: No follow-up.

21 APPEALS OFFICER WARD: Thank you, Mrs. Buma,
22 for your testimony.

23 THE WITNESS: Thank you.

24 MR. DIAZ: That will be it for the Claimant's
25 case.

1 APPEALS OFFICER WARD: Okay. And any
2 witnesses, Mr. Davis?
3 MR. DAVIS: No, your Honor.
4 APPEALS OFFICER WARD: Okay.
5 MR. DAVIS: What I'm going to do is -- because
6 some of this stuff is new to me.
7 APPEALS OFFICER WARD: Okay.
8 MR. DAVIS: So I'm going to contact my client
9 tomorrow to verify that this is correct.
10 APPEALS OFFICER WARD: Okay.
11 MR. DAVIS: Or that her understanding is
12 correct.
13 APPEALS OFFICER WARD: Right. Okay. Why
14 don't we do this: If you're going to do that, why
15 don't we have a telephone call in a week.
16 MR. DAVIS: Okay.
17 APPEALS OFFICER WARD: To make sure that we
18 have all the evidence.
19 MR. DAVIS: Okay.
20 APPEALS OFFICER WARD: And then we can set up
21 a schedule.
22 MR. DIAZ: Okay.
23 MR. DAVIS: Perfect.
24 APPEALS OFFICER WARD: And I'll certainly give
25 you enough time to do this.

1 MR. DAVIS: Okay. Great. Thank you.

2 MR. DIAZ: All right.

3 APPEALS OFFICER WARD: I know you're busy.

4 So all right. So we can go off the record.

5 And thank you, Mrs. Buma, for -- Buma for testifying
6 and coming today.

7 MS. BUMA: Thank you.

8 APPEALS OFFICER WARD: And we can go off the
9 record.

10 (Proceedings concluded at 10:20 a.m.)

11

12 * * *

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C E R T I F I C A T I O N

TITLE: JASON BUMA

DATE: April 13, 2016

LOCATION: Las Vegas, Nevada

The below signature certifies that the
proceedings and evidence are contained fully and
accurately in the tapes and notes as reported at the
proceedings in the above referenced matter before the
Department of Administration, Appeals Office.

	07/12/2016
_____	_____
KELLY PAULSON	DATE
CERTIFIED COURT REPORTER #628	

53165

NOTICE OF APPEAL AND REQUEST FOR HEARING BEFORE THE HEARING OFFICER

Injured Worker Information

Name and Address:

C/O The Estate of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

RECEIVED
2015 SEP 13 PM 1:32
FILED

Name & Address of Employer AT THE TIME OF INJURY:

Providence Corp Development (DBA) Miller Heiman, Inc.
10509 Professional Circle
Reno, NV 89521

Name & Address of Insurer:


Gallagher Bassett Services
P.O. Box 400970
Las Vegas, NV 89140

The REASON FOR HEARING REQUEST: Claimant disagrees with the Insurers letter dated June 25, 2015. Please see attached.

I HERE BY request a hearing before a Hearing Officer to review the determination shown above.

I am representing the Injured Worker in this matter and taking an appeal on their behalf.

Diaz & Galt, LLC.
Attorneys at Law
443 Marsh Avenue
Reno, Nevada 89509
(775) 324-6443


(Signature of person requesting appeal)

Date: 8/13/15

Department of Administration
1050 East William Street, Suite 400
Carson City, Nevada 89701

THURS
9/3/15
71
47

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
HEARINGS DIVISION

In the matter of the Contested
Industrial Insurance Claim of:

Hearing Number: 53765-SA
Claim Number: E2C12430

JASON BUMA
C/O THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519-8342

PROVIDENCE CORP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

BEFORE THE HEARING OFFICER

The Claimant's widow's request for Hearing was filed on August 13, 2015 and a Hearing was scheduled for September 3, 2015 and continued to October 19, 2015. The Hearing was held on October 19, 2015 in accordance with Chapters 616 and 617 of the Nevada Revised Statutes.

The Claimant's widow, Kaycean, and her attorney, Marialice Galt, were present by telephone conference call. The Employer was not present. The Insurer was represented by Lee Davis, Esquire, by telephone conference call.

ISSUE

The Claimant's widow appealed from the Insurer's determination dated June 25, 2015. The issue before the Hearing Officer is claim denial.

DECISION AND ORDER

The determination of the Insurer is hereby **AFFIRMED**.

Having reviewed the submitted evidence and in consideration of the representations made at today's hearing, the Hearing Officer finds claim denial is proper. On May 27, 2015 a C-4, Employee's Claim for Compensation, was completed by the Claimant's widow. To date, the C-4 has not been signed by any physician. When questioned, the Claimant's counsel indicated that due to the Claimant's death, no physician examined the Claimant and thus the death certificate was provided. The Claimant worked as the sales vice president for enterprise accounts for this employer. There exists no dispute that the Claimant traveled to Houston to attend an oil and gas conference to begin on March 30, 2015. The Claimant arrived on March 29, 2015, went to a co-worker's ranch where he was staying when he and his co-worker decided to take an ATV ride before going to dinner. During the ride, the Claimant was involved in an ATV accident resulting in his death. The Claimant's counsel indicates the Claimant was in the course and scope of his employment due to his traveling status while the Insurer disagreed. "Course of employment" means an injury that takes place within the period of employment, at a place where the employee reasonably may be, and while he is fulfilling his duties or engaged in doing something incidental thereto. An activity is related to the

50013-1947

48
72

In the Matter of the Contested
Industrial Insurance Claim of
Hearing Number:
Page 2

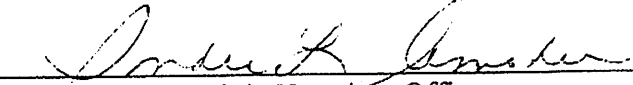
JASON BUMA
53765-SA

employment if it carries out the employer's purposes or advances his interests directly or indirectly. The modern trend is that injury is compensable where it results from activity that is, in fact, an inherent part of the condition of the employment. A recorded statement from the co-worker riding with the Claimant clearly indicates the Claimant asked to go on an ATV ride which they had done in the past and the ride was unrelated to any work activities. Clearly the ATV ride was a deviation of any work activity. The Hearing Officer finds the Insurer's determination is proper as the Claimant's death was not a result of and/or related to his employment duties and, in fact, to the contrary.

APPEAL RIGHTS

Pursuant to NRS 616C.345(1), should any party desire to appeal this final Decision and Order of the Hearing Officer, a request for appeal must be filed with the Appeals Officer within thirty (30) days of the date of the decision by the Hearing Officer.

IT IS SO ORDERED this 23rd day of October, 2015.


Sondra L Amodei, Hearing Officer

CERTIFICATE OF MAILING

The undersigned, an employee of the State of Nevada, Department of Administration, Hearings Division, does hereby certify that on the date shown below, a true and correct copy of the foregoing **DECISION AND ORDER** was deposited into the State of Nevada Interdepartmental mail system, **OR** with the State of Nevada mail system for mailing via United States Postal Service, **OR** placed in the appropriate addressee runner file at the Department of Administration, Hearings Division, 1050 E. Williams Street, Suite 400, Carson City, Nevada, to the following:

JASON BUMA
C/O THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519-8342

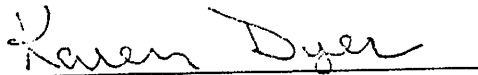
CHARLES C DIAZ, ESQ.
443 MARSH AVE
RENO NV 89509

PROVIDENCE CORP DEVELOPMENT
DBA MILLER HEIMAN INC
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

GALLAGHER BASSETT SERVICES INC
PO BOX 400970
LAS VEGAS, NV 89140

DANIEL SCHWARTZ, ESQ
LEWIS BRISBOIS BISGAARD & SMITH LLP
2300 W SAHARA AVE STE 300 BOX 28
LAS VEGAS NV 89102-4375

Dated this 23rd day of October, 2015.



Karen Dyer
Employee of the State of Nevada

1 **NEVADA DEPARTMENT OF ADMINISTRATION**

2 **BEFORE THE HEARINGS OFFICER**

3 * * * * *

4 **In the Matter of the Contested**
5 **Industrial Insurance Claim**

Claim No: E2C12430

6 **of**

Hearing No: 53765-SA

7 **JASON BUMA,**

Appeal No.: 54752-LLW

8 **Claimant.**

9 **/**

10 **CLAIMANT'S EVIDENCE PACKET**

11	Certificate of Live Birth, Delaney Buma	1
12	C-4 Form. March 29, 2015	2
13	Claimants Notice of Representation and Death	3-5
14	Texas Dept. of Transportation Crash Report, March 29, 2015	6-7
15	Patient care record EMS, March 29, 2015.....	8-10
16	Detail Call For Service Report, Emergency Services March 29, 2015.....	11-19
17	Gallagher Basset Interoffice Emails.....	20-22
18	Insurers Letter Denying Claim, June 25, 2015	23-24
19	Insurers Letter Acknowledgment Letter, June 26, 2015	25
20	Confidential Investigative Report, July 6, 2015	26-47
21	Notice of Appeal to Hearing Office, August 13, 2015	48

1 **AFFIRMATION**

2 I am an employee of Diaz & Galt, LLC, I affirm that there are no social security
3 numbers contained in this document.

4 DATED this 28th day of March, 2016.

5 
6 Heather Price
7

8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5(b), I HEREBY CERTIFY I am an employee of Diaz & Galt,
10 LLC, and that on this date, I served a true and correct copy of the within **CLAIMANTS**
11 **EVIDENCE PACKET** via U.S. Mail at Reno, Nevada, Facsimile, or hand-delivery by
12 Bootleg Courier CO., as indicated, to the following:
13

14 Department of Administration
15 Hearing Division
16 1050 East William Street, Suite 400
17 Carson City, Nevada 89710

[VIA HAND DELIVERY]

17 Lee Davis, Esq.
18 Lewis Brisbois Disgaard & Smith, LLP
19 2500 W. Sahara Avenue, Suite 300
20 Las Vegas, 89102

[VIA EMAIL]

21 DATED this 28th day of March, 2016.
22

23 
24 Heather Price
25
26
27
28

STATE OF NEVADA

CERTIFICATION OF VITAL RECORD

WASHOE COUNTY HEALTH DISTRICT

VITAL STATISTICS - RENO, NEVADA

TYPE/PRINT
IN
PERMANENT
BLACK INKROLL 184
IMAGE 959STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — SECTION OF VITAL STATISTICS

LOCAL FILE NUMBER 3334

CERTIFICATE OF LIVE BIRTH

STATE FILE NUMBER

FOR
INSTRUCTIONS
SEE
HANDBOOK

CHILD

1. CHILD'S NAME FIRST Delaney		MIDDLE Nicole	LAST BUMA	2. DATE OF BIRTH (Month, Day, Year) June 11, 2000
3. TIME OF BIRTH 7:46 PM	4. SEX Female	5. CITY, TOWN OR LOCATION OF BIRTH Reno		6. COUNTY OF BIRTH Washoe
7. PLACE OF BIRTH (Specify) Hospital			8. FACILITY NAME (If not institution, give street and number) Washoe Medical Center	

CERTIFIER/
ATTENDANTDEATH UNDER
ONE YEAR
OF AGEEnter State File
Number of
death certifi-
cate for this
child.

9. I certify that this child was born alive at the place and time and on the date stated. Signature > <i>Janie McBride</i>		10. DATE SIGNED (Month, Day, Year) 6/12/00	11. ATTENDANT'S NAME AND TITLE (If other than certifier) (Type/Print) NAME Terrance S. Drake TITLE M.D.
12. CERTIFIER'S NAME AND TITLE (Type/Print) NAME Janie McBride TITLE R.H.I.T.		13. ATTENDANT'S MAILING ADDRESS (Street and number or rural route number, city, or town, Zip Code) 601 Ralston Street, #201 Reno, NV 89503	

14. REGISTRAR'S SIGNATURE <i>Handy Outlines</i> Deputy Registrar			15. DATE FILED BY REGISTRAR (Month, Day, Year) June 15, 2000
16a. MOTHER'S NAME FIRST Kaycean	MIDDLE Brooks	LAST Buma	16b. MAIDEN SURNAME Brooks

MOTHER

17. AGE 34	18. BIRTHPLACE (State or foreign country) Nevada	19a. RESIDENCE — STATE Nevada	19b. COUNTY Washoe	19c. CITY, TOWN OR LOCATION Reno
19d. STREET AND NUMBER 3216 Alpine Creek Rd.		19e. INSIDE CITY LIMITS? Yes	20. MOTHER'S MAILING ADDRESS (If same as residence, enter Zip Code only) 89509	

FATHER

21. FATHER'S NAME FIRST Jason	MIDDLE Roger	LAST Buma	22. AGE 32	23. BIRTHPLACE (State or foreign country) Utah
---	------------------------	---------------------	----------------------	--

INFORMANT

24. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. Signature of parent or other informant > <i>Kaycean Buma</i>				
---	--	--	--	--

INFORMATION FOR MEDICAL AND HEALTH USE ONLY

000113047

CERTIFIED COPY OF VITAL RECORDS

This is a true and exact reproduction of the document officially registered and placed on file in the office of the State Registrar and Vital Records.

MAR 28 2013

DEPUTY REGISTRAR

Norma Jackson

DATE ISSUED:

This copy not valid unless prepared on engraved border displaying date, seal and signature of Registrar.

BUMA0000077



EMPLOYEE'S CLAIM FOR COMPENSATION/REPORT OF INITIAL TREATMENT

FORM C-4

PLEASE TYPE OR PRINT

EMPLOYEE'S CLAIM - PROVIDE ALL INFORMATION REQUESTED

First Name Jason	M.I. R.	Last Name Buma	Birthdate 5/21/68	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Claim Number (Insurer's Use Only)
Home Address 1951 Rolling Brook Ln			Age 46	Height 5'10"	Weight 190
City Reno	State NV	Zip 89519	Telephone 775-828-0968		
Physical Address 1951 Rolling Brook Ln			City Reno	State NV	Zip 89519
INSURER Gallagher Bassett			THIRD-PARTY ADMINISTRATOR		Employee's Occupation (Job Title) When Injury or Occupational Disease Occurred VP Sales
Employer's Name/Company Name Miller Heiman					Telephone
Office Mail Address (Number and Street) 10509 Professional Circle Reno NV 89521					
Date of Injury (if applicable) 3/29/15	Hours Injury (if applicable) am pm	Date Employer Notified 3/29/15	Last Day of Work After Injury or Occupational Disease 3/29/15	Supervisor to Whom Injury Reported Byron Matthews	
Address or Location of Accident (if applicable) Hurcules Rd, Carmine TX 78932					
What were you doing at the time of the accident? (if applicable)					
How did this injury or occupational disease occur? (Be specific and answer in detail. Use additional sheet if necessary) Fell off ATV					
If you believe that you have an occupational disease, when did you first have knowledge of the disability and its relationship to your employment?					Witnesses to the Accident (if applicable)
Nature of Injury or Occupational Disease death		Part(s) of Body Injured or Affected head			
<p>I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE PROVIDED THIS INFORMATION IN ORDER TO OBTAIN THE BENEFITS OF NEVADA'S INDUSTRIAL INSURANCE AND OCCUPATIONAL DISEASES ACTS (NRS 618A TO 618D, INCLUSIVE OR CHAPTER 617 OF NRS). I HEREBY AUTHORIZE ANY PHYSICIAN, CHIROPRACTOR, SURGEON, PRACTITIONER, OR OTHER PERSON, ANY HOSPITAL, INCLUDING VETERANS ADMINISTRATION OR GOVERNMENTAL HOSPITAL, ANY MEDICAL SERVICE ORGANIZATION, ANY INSURANCE COMPANY, OR OTHER INSTITUTION OR ORGANIZATION TO RELEASE TO EACH OTHER, ANY MEDICAL OR OTHER INFORMATION, INCLUDING BENEFITS PAID OR PAYABLE, PERTINENT TO THIS INJURY OR DISEASE, EXCEPT INFORMATION RELATIVE TO DIAGNOSIS, TREATMENT AND/OR COUNSELING FOR AIDS, PSYCHOLOGICAL CONDITIONS, ALCOHOL OR CONTROLLED SUBSTANCES, FOR WHICH I MUST GIVE SPECIFIC AUTHORIZATION. A PHOTOSTAT OF THIS AUTHORIZATION SHALL BE AS VALID AS THE ORIGINAL.</p>					
Date 5/27/15		Place Reno, NV		Employee's Signature Kan Buma	
THIS REPORT MUST BE COMPLETED AND MAILED WITHIN 3 WORKING DAYS OF TREATMENT					
Place		Name of Facility			
Date	Diagnosis and Description of Injury or Occupational Disease		Is there evidence that the injured employee was under the influence of alcohol and/or another controlled substance at the time of the accident? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please explain)		
Hour					
Treatment:		Have you advised the patient to remain off work five days or more? <input type="checkbox"/> Yes Indicate dates: from _____ to _____ <input type="checkbox"/> No If no, is the injured employee capable of: <input type="checkbox"/> full duty <input type="checkbox"/> modified duty If modified duty, specify any limitations/restrictions: _____			
X-Ray Findings:					
From information given by the employee, together with medical evidence, can you directly connect this injury or occupational disease as job incurred? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Is additional medical care by a physician indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Do you know of any previous injury or disease contributing to this condition or occupational disease? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain if yes)					
Date	Print Doctor's Name		I certify that the employer's copy of this form was mailed to the employer on:		
Address			INSURER'S USE ONLY		
City	State	Zip	Provider's Tax I.D. Number	Telephone	
Doctor's Signature			Degree		

BUMA00000278

Diaz Galt

ATTORNEYS AT LAW

May 11, 2015

Gallagher Bassett Services, Inc.
Post Office Box 400970
Las Vegas, NV 89140

Attn: Jacqueline Guzon

NOTICE OF REPRESENTATION AND DEATH

Claimant	:	JASON BUMA (Deceased)
Claim No.	:	E2C12430
Date of Death	:	03/29/2015

Dear Ms. Guzon:

This office has been retained by Kaycean Buma and her fourteen year old daughter, Delaney Buma, to represent them in a claim for death benefits as a result of the death of Jason Buma, on March 29, 2015, in Washington County, Texas, while in the course and scope of his employment with Miller Heiman, Inc. Please consider this as formal notice of his death pursuant NRS 616C.015.

I have attached a C-4 Form, a copy of the death certificate, a copy of Mr. and Mrs. Buma's marriage license, the Texas Peace Officer's Crash Report and the reports provided by the initial responders.

I request a complete copy of the claims file.

Please forward a determination in response to this claim for death benefits in writing so, that we have the ability to proceed formally. This claim was originally referred to The Hartford, due to erroneous information provided to us by the employer.

If you have any questions please do not hesitate in contacting our office.

Sincerely,



Charles C. Diaz
Attorney at Law

CCD/hlp
cc: Kaycean Buma
Enclosures



JUN 01 2015

443 Marsh Avenue • Reno • NV 89509
tel (775) 324-6443 • fax (775) 324-6638

BUMA00000379

STATE OF TEXAS

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES VITAL STATISTICS UNIT

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS

MAR 31 2015

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER 142-15-045538

1. LEGAL NAME OF DECEASED (Include AKA's, if any) (Print, MDDY, Last)		2. DATE OF DEATH (Actual or Presumed) (mm-dd-yyyy)	
JASON ROGER BUMA		MARCH 29, 2015	
3. SEX	4. DATE OF BIRTH (mm-dd-yyyy)	5. AGE (Last Birthday) (Years)	6. BIRTH PLACE (City & State or Foreign Country)
MALE	MAY 21, 1968	46	SALT LAKE CITY, UT
7. SOCIAL SECURITY NUMBER		8. MARITAL STATUS AT TIME OF DEATH	9. SURVIVING SPOUSE'S NAME (If wife, give name prior to first marriage)
		<input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown	KAYCEAN BROOKS
10a. RESIDENCE STREET ADDRESS		10b. APT. NO.	10c. CITY OR TOWN
1951 ROLLING BROOK LANE			RENO
10d. COUNTY	10e. STATE	10f. ZIP CODE	10g. INSIDE CITY LIMITS?
WASHOE	NEVADA	89519	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
11. FATHER'S NAME		12. MOTHER'S NAME PRIOR TO FIRST MARRIAGE	
ROGER BRENT BUMA		RANAE COON	
13. PLACE OF DEATH (CHECK ONLY ONE)			
<input type="checkbox"/> Inpatient <input type="checkbox"/> ERO/Unassisted <input type="checkbox"/> OOA <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> ACCIDENT SCENE			
14. COUNTY OF DEATH		15. CITY/TOWN, ZIP (If OUTSIDE CITY LIMITS, GIVE PRECISE TOWNSHIP)	16. FACILITY NAME (If not institution, give street address)
WASHINGTON		CARMINE, 78932	3489 HERCULES ROAD
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED		18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code)	
KAYCEAN BUMA - WIFE		1951 ROLLING BROOK LANE, RENO, NV 89519	
19. METHOD OF DISPOSITION		20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH	
<input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input checked="" type="checkbox"/> Removal from state <input type="checkbox"/> Other (Specify)		KAREN S ANDERSON, BY ELECTRONIC SIGNATURE - 11807	
21. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)		22. LOCATION (City/Town, and State)	
CREMATION SIERRA CREMATORY		RENO, NV	
23. NAME OF FUNERAL FACILITY		24. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code)	
BRENNHAM MEMORIAL CHAPEL		2300 STRINGER STREET, BRENNHAM, TX 77833	
25. CERTIFIER (Check only one)			
<input type="checkbox"/> Certifying physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Medical Examiner/Judge of the Peace - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated.			
26. SIGNATURE OF CERTIFIER		27. DATE CERTIFIED (mm-dd-yyyy)	28. LICENSE NUMBER
DOUGLAS CONE, BY ELECTRONIC SIGNATURE		MARCH 31, 2015	08:14 PM
29. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code)		30. TITLE OF CERTIFIER	
DOUGLAS CONE 4260 SAUSAGE LANE, CHAPPELL HILL, TX 77426		JP 2	
31. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. (CONTROL ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH.)			
IMMEDIATE CAUSE (Final disease or condition resulting in death)			
a. BLUNT FORCE TRAUMA TO THE HEAD Due to (or as a consequence of):			
b. _____ Due to (or as a consequence of):			
c. _____ Due to (or as a consequence of):			
d. _____ Due to (or as a consequence of):			
32. PART 2. ENTER OTHER CAUSE GIVEN IN PART 1.			
33. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
35. HARBOR OF DEATH		36. IF FEMALE:	
<input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		<input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to one year before death <input type="checkbox"/> Unknown if pregnant within the past year	
37. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		38. IF TRANSPORTATION INJURY, SPECIFY:	
		<input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)	
39a. DATE OF INJURY (mm-dd-yyyy)	39b. TIME OF INJURY	39c. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	39d. PLACE OF INJURY (e.g. Occident's home, construction site, restaurant, wooded area)
MARCH 29, 2015	08:00 PM		3489 HERCULES ROAD
40a. LOCATION (Street and Number, City, State, Zip Code)		40b. COUNTY OF INJURY	
HERCULES ROAD, CARMINE, TX 78932		WASHINGTON	
41. DESCRIBE HOW INJURY OCCURRED			
FLIP ATV AROUND A CURVE			
42a. REGISTRAR FILE NO.	42b. DATE RECEIVED BY LOCAL REGISTRAR	42c. REGISTRAR	
01-90	MARCH 31, 2015	REGISTRAR - WASHINGTON COUNTY CLERK, ELECTRONICALLY FILED	
EOR NUMBER 000001042427			

QA05887648

VS-12 REV 1/2006



This is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Section 191.051, Health and Safety Code.

ISSUED APR 02 2015

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

Geraldine R. Harris
GERALDINE R. HARRIS
STATE REGISTRAR



BUMA00000480

PLEASE RETURN ORIGINAL TO CLERK OF THE COURT IMMEDIATELY,
VIOLATORS SUBJECT TO SANCTIONS UNDER TITLE 4 V.L.C. SEC. 40.

LICENSE AND CERTIFICATE OF MARRIAGE

TYPE/PRINT
IN
PERMANENT
BLACK INK
FOR
INSTRUCTIONS
SEE
HANDBOOK

LICENSE NUMBER 2013/1996

STATE FILE NUMBER

GROOM

1. GROOM'S NAME (First, Middle, Last) JASON ROGER BUMA		2. AGE LAST BIRTHDAY 28	
3a. RESIDENCE—CITY, TOWN, OR LOCATION 1557 SOUTH MARSH, RENO		3b. COUNTY OR ISLAND WASHOE	
3c. STATE NEVADA	4a. BIRTHPLACE (State or Foreign Country) SALT LAKE CITY, UTAH	4b. DATE OF BIRTH (Month, Day, Year) MAY 21, 1968	
5a. FATHER'S NAME (First, Middle, Last) ROGER BRENT BUMA	5b. BIRTHPLACE (State or Foreign Country) UTAH	7a. MOTHER'S NAME (First, Middle, Maiden Surname) RENAE COON	7b. BIRTHPLACE (State or Foreign Country) UTAH

BRIDE

8a. BRIDE'S NAME (First, Middle, Last) KAYCEAN BROOKS		8b. MAIDEN SURNAME (if different) same as 8a		8c. AGE LAST BIRTHDAY 31	
10a. RESIDENCE—CITY, TOWN, OR LOCATION 5899 SHADOW PARK DRIVE., RENO		10b. COUNTY OR ISLAND WASHOE			
10c. STATE NEVADA	11a. BIRTHPLACE (State or Foreign Country) CARSON CITY, NEVADA	11b. DATE OF BIRTH (Month, Day, Year) AUGUST 28, 1965			
13a. FATHER'S NAME (First, Middle, Last) JOHN FRANKLIN BROOKS	13b. BIRTHPLACE (State or Foreign Country) NEVADA	14a. MOTHER'S NAME (First, Middle, Maiden Surname) FRANCES JOANNE MC FARLANE	14b. BIRTHPLACE (State or Foreign Country) COLORADO		

SIGNATURES

WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF
AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS STATE.

15. GROOM'S SIGNATURE <i>Jason R. Buma</i>	16. BRIDE'S SIGNATURE <i>Kaycean Brooks</i>
---	--

WITNESS TO MARRY

This License Authorizes the Marriage in This State of the Parties Named Above By Any Person Duly Authorized to Perform a Marriage Ceremony Under the Laws of the State of THE VIRGIN ISLANDS—UNIVERSAL LIFE CHURCH	17. EXPIRATION DATE (Month, Day, Year) MARCH 17, 1997
---	---

CEREMONY

18. SUBSCRIBED TO AND SWORN TO BEFORE ME ON: (Month, Day, Year) DECEMBER 17, 1996	19. SIGNATURE OF ISSUING OFFICIAL <i>Loraya Liase</i>	20. TITLE OF ISSUING OFFICIAL JUDGE
21. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON: (Month, Day, Year) <i>December 17, 1996</i>	22a. WHERE MARRIED—CITY, TOWN, OR LOCATION <i>Emerald Beach</i>	22b. ISLAND <i>St. Thomas</i>

LOCAL OFFICIAL

23a. SIGNATURE OF PERSON PERFORMING CEREMONY <i>Debra Williams</i>	23b. NAME (Type/Print) <i>Debra Williams</i>	23c. TITLE <i>Minister</i>
23d. ADDRESS OF PERSON PERFORMING CEREMONY (Street and Number or Rural Route Number, City or Town, State, Zip Code) <i>1608 Crown Bay Suite 310 St. Thomas USVI 00802</i>		
24a. SIGNATURE OF WITNESS TO CEREMONY <i>Marjorie</i>	24b. SIGNATURE OF WITNESS TO CEREMONY <i>Patrice Gray</i>	

25. SIGNATURE OF COURT/REGISTRATION OFFICIAL <i>Therese V. Wesselhoft</i> CLERK OF THE TERRITORIAL COURT	26. DATE FILED BY COURT (Month, Day, Year) 12/19/96
--	---

CERTIFIED A TRUE COPY

Date *July 15, 1997*

YVONNE V. WESSELHOFT
Clerk of the Court

BY *Regina M. LeBlanc*
Deputy

BUMA00000581

Shaydon

JUN 01 2015

Law Enforcement and TxDOT Use ONLY

☒ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units	1	Total Num. Persons	1	TxDOT Crash ID	14370519.1 / 2015138407
------------------	---	--------------------	---	----------------	-------------------------



Texas Peace Officer's Crash Report (Form CR-3 1/1/2015)
 Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457
 Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

Page 1 of 2

*Crash Date (MM/DD/YYYY) 03 / 29 / 2015		*Crash Time (24HRMM) 1 7 4 9		Case ID		Local Use	
*County Name WASHINGTON				*City Name		<input checked="" type="checkbox"/> Outside City Limit	
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees) 3 0 1 8 8 9 9		Longitude (decimal degrees) 0 9 6 6 9 7 0 6	
ROAD ON WHICH CRASH OCCURRED							
*1 Rdwy. CR		*Hwy. Num.		2 Rdwy. Part 1		Block Num.	
3 Street Prefix		* Street Name HERCULES		4 Street Suffix RD			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 45	
Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.			
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At Int. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rdwy. CR		Hwy. Num.		2 Rdwy. Part 1	
3 Street Prefix		Street Name HARTSTACK		4 Street Suffix RD			
Distance from Int. or Ref. Marker 0.4		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker E		Reference Marker	
Street Desc.		RRX Num.					
Unit Num. 1		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State	
LP Num.		VIN 4 X A M H 5 0 A 0 A 0 1 2 2 8 1					
Veh. Year 2 0 1 0		6. Veh. Color GRN		Veh. Make POLARIS		Veh. Model SPORTSMAN	
7 Body Style 98		<input type="checkbox"/> Pol. Fto, EMS on Emergency (Explain in Narrative if checked)					
8 DL/D Type 1		DL/D State NV		DL/D Num. 0701776319		9 DL Class 98	
10 CDL End. 96		11 DL Rest. 98		DOB (MM/DD/YYYY) 0 5 / 2 1 / 1 9 6 8			
Address (Street, City, State, ZIP) 1951 ROLLING BROOK LN RENO, NV 89519							
VEHICLE, DRIVER, & PERSONS							
Person Num. 1		12 Psn. Type 5		13 Seat Position 1		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity K		Age 46		15 Ethnicity W		16 Sex 1	
17 Eject 97		18 Rest. 97		19 Airbag 97		20 Helmet 1	
21 Sol. N		22 Alc. Spec. 96		23 Drug Spec. 96		24 Drug Result 97	
25 Drug Category 97		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.					
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address O'CALLAGHAN, MICHAEL J, 3489 HERCULES RD CARMINE, TX 78932					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle Invented <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Towed By RODE FROM SCENE BY OWNER		Towed To RODE FROM SCENE BY OWNER					
VEHICLE, DRIVER, & PERSONS							
Unit Num.		5 Unit Desc.		<input type="checkbox"/> Parked Vehicle <input type="checkbox"/> Hit and Run		LP State	
LP Num.		VIN					
Veh. Year		6. Veh. Color		Veh. Make		Veh. Model	
7 Body Style		<input type="checkbox"/> Pol. Fto, EMS on Emergency (Explain in Narrative if checked)					
8 DL/D Type		DL/D State		DL/D Num.		9 DL Class	
10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY)			
Address (Street, City, State, ZIP)							
Person Num.		12 Psn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity		Age		15 Ethnicity		16 Sex	
17 Eject		18 Rest.		19 Airbag		20 Helmet	
21 Sol.		22 Alc. Spec.		23 Drug Spec.		24 Drug Result	
25 Drug Category		Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.					
<input type="checkbox"/> Owner <input type="checkbox"/> Lessee		Owner/Lessee Name & Address					
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		27 Vehicle Damage Rating 2		Vehicle Invented <input type="checkbox"/> Yes <input type="checkbox"/> No	
Towed By		Towed To					

BUMA00000682

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HR:MM)
	1	1	2300 STRINGER ST BRENNHAM, TX	MEMORIAL CHAPEL FUNERAL HOME	03/29/2015	1 0 1 3

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.

Damaged Property Other Than Vehicles	Owner's Name	Owner's Address

Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No	28 Veh. Oper.	28 Carter ID Type	Carter ID Num.
Center's Corp. Name			Center's Primary Addr.			30 Veh. Type	
31 Bus Type		<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	HazMat ID Num.	32 HazMat Class Num.	HazMat ID Num.
Trailer 1 Unit Num.		<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR	34 Trlr. Type	CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No	Trailer 2 Unit Num.		<input type="checkbox"/> RGWW <input type="checkbox"/> GVWR
34 Trlr. Type		CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No		35 Seq. 1		35 Seq. 2	
35 Seq. 3		35 Seq. 4		35 Seq. 5		35 Seq. 6	

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions							
	Unit #	Contributing	May Have Contrib.		Unit #	Contributing	May Have Contrib.		38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control	
									1	1	97	1	4	7	96	

Investigator's Narrative Opinion of What Happened
(Attach Additional Sheets if Necessary)

UNIT 1 WAS WEST ON HERCULES ROAD. UNIT 1 WAS TRAVELING TO FAST FOR THE CURVE TO ITS LEFT. THE RIDER OF UNIT 1 WAS THROWN FROM UNIT 1 LANDING ON HIS HEAD. THE DRIVER OF UNIT 1 WAS PRONOUNCED DECEASED AT THE SCENE. THE INVESTIGATOR WAS UNABLE TO DETERMINE THE FINAL RESTING PLACE FOR UNIT 1 DUE TO IT BEING MOVED PRIOR TO THE INVESTIGATORS ARRIVAL.

JUN 01 2015

Field Diagram - Not to Scale

Time Notified (24HR:MM)	1 7 4 9	How Notified NC DISPATCH	Time Arrived (24HR:MM)	1 7 5 6	Report Date (MM/DD/YYYY)	04/02/2015
Invest. Comp.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Investigator Name (Printed) Roaves, J D	ID Num.	9156		
ORI	Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS				Service/	H P 2 D 0 3

BUMA00000783

**Washington Cty - Texas**

Patient Care Record

Name: BUMA, JASON

Incident #: 2015-00001672

Date: 03/29/2015

Patient 1 of 1

Patient Information				Clinical Impression											
Last	BUMA	Address	1951 Rollingbrook	Primary Impression	Traumatic Circulatory Arrest										
First	JASON	Address 2		Secondary Impression											
Middle		City	Reno	Protocol Used											
Gender	Male	State	NV	Anatomic Position											
DOB	05/21/1968	Zip	89519	Chief Complaint	Trauma										
Age	46 Yrs, 10 Months, 8 Days	Country	UNITED STATES	Duration	18	Units	Minutes								
Weight	200lbs - 91kg	Tel		Secondary Complaint											
Ped Color		Physician		Duration		Units									
SSN		Ethnicity	Not Hispanic or Latino	Patient's Level of Distress											
Race	White			Signs & Symptoms	Obvious Death - Severe Traumatic Injuries										
Advanced Directive				Injury	Motorized Vehicle Accident - All - Terrain Vehicle - Street or Highway - 03/29/2015										
Resident Status	Non-Resident			Medical/Trauma	Trauma										
				Barriers of Care	Unconscious										
				Alcohol/Drugs	Unknown										
Medication/Allergies/History															
Medications				Unknown											
Allergies				Unknown											
History				Unknown											
Vital Signs															
Time	AVPU	SpO2	POS	BP	Pulse	RR	SPO2	ETCO2	CO	BG	Temp	Pain	GCS(E+V+M)/Qualifier	RTS	PTS
18:10	U		Lay	/									3=1+1+1/NQ		

03/29/2015

JUN 01 2015

BUMA00000884



Washington Cty - Texas

Patient Care Record

Name: BUMA, JASON

Incident #: 2015-00001672

Date: 03/29/2015

Patient 1 of 1

Initial Assessment			
Category	Comments	Abnormalities	
Mental Status		Mental Status	Not Assessed
Skin		Skin	Not Assessed
HEENT		Head/Face	Not Assessed
		Eyes	Not Assessed
		Neck	Not Assessed
		Chest	Not Assessed
Chest		Heart Sounds	Not Assessed
		Lung Sounds	Not Assessed
		General	Not Assessed
Abdomen		Left Upper	Not Assessed
		Right Upper	Not Assessed
		Left Lower	Not Assessed
		Right Lower	Not Assessed
Back		Cervical	Not Assessed
		Thoracic	Not Assessed
		Lumbar/Sacral	Not Assessed
Pelvis/GU/GI		Pelvis/GU/GI	Not Assessed
Extremities		Left Arm	Not Assessed
		Right Arm	Not Assessed
		Left Leg	Not Assessed
		Right Leg	Not Assessed
		Pulse	Not Assessed
		Capillary Refill	Not Assessed
Neurological		Neurological	Not Assessed

Assessment Time:

Narrative

Washington County EMS was dispatched to 3489 Hercules Rd., Carmine for a 46 y/o M who was involved in an ATV accident. The pt. was not breathing and had no pulse. CPR instructions were given to bystander while we were enroute. ATV had rolled over the pt. Medic-2, S1, and S2 responded without delay, code 3. Upon our arrival, pt. contact was made. Pulse was checked and CPR was taken over by EMT-B Slump. Pt. was unconscious, not breathing and without pulse, A&Ox0. Pt. had a large amount of blood coming from his left ear, left eye socket, and the back of his head. Pt. had lost approximately 1L of blood. Upon palpation of the back of the pt.'s skull, there was significant crepitus and multiple skull fractures could be felt. CPR was continued. Pads were placed on the pt. EKG was preformed and showed asystole in leads II and III. With each compression performed, blood would pulse out of his eye socket and ear. Medical Director Dr. Loesch was contacted and pt. condition was described. Request was made to discontinue resuscitation efforts. Dr. Loesch concurred. Resuscitation efforts were discontinued. Law enforcement was on scene and contacted JP. Two strips were printed, signed, and dated, noting asystole. One strip was given to law enforcement and the other to the JP. Medic-2 was released by law enforcement. S1 back in service.

Specialty Patient - Motor Vehicle Collision

Patient Injured	Yes	Law Enforcement Case #	
Vehicle Type	All - Terrain Vehicle	Collision Indicators	Ejection, Roll Over
Position In Vehicle	Driver	Damage Location	Roll Over
Seat Row	1	Airbag Deployment	No Air Bag(s) Present
Weather	Clear	Safety Devices	None
Extrication Required	No	Extrication Comments	
Estimated Speed		Extrication Time	

STAYGREEN

JUN 01 2015

BUMA00000985



Washington City - Texas

Patient Care Record

Name: BUMA, JASON

Incident #: 2015-00001672

Date: 03/29/2015

Patient 1 of 1

Specialty Patient - Trauma Criteria			
Anatomic	Open Skull Fracture	Trauma Activation	NO
Physiologic	GCS <= 13, RR < 10 or > 29, SBP < 90	Time	
Mechanical	Ejection, Motorcycle/ATV > 20 mph, Roll Over	Date	
Other Conditions	Provider Suspicion	Trauma Level	
		Reason not Activated	
Incident Details		Destination Details	
Location		Disposition	Dead on Scene, No Transport
Address 1	3489 HERCULES RD	Transport Due To	
Address 2		Transported To	
City	Carmine	Requested By	Bystander
State	TX	Destination	
Zip	78932	Address	
Medic Unit	S1	Address 2	
Run Type	911 Response (Emergency)	City	
Priority Scene	Lights/Sirens	State	
Shift	C - Shift	Zip	
Zone	Station 2	Zone	
Level of Service		Condition at Destination	
EMD Complaint	Traffic Accident	Destination Record #	
EMD Card Number	29-D-02k	Trauma Registry ID	
Incident Times			
		PSAP Call	17:48:51
		Dispatch Notified	17:48:51
		Call Received	17:48:51
		Dispatched	17:49:46
		En Route	17:50:18
		Resp on Scene	
		On Scene	18:10:47
		At Patient	18:10:52
		Depart Scene	
		At Destination	
		Pt/Transferred	
		Call Closed	18:27:08
		In District	
Crew Members			
Personnel	Role	Certification Level	
PODESZWA, KATHERINE	Lead	EMT-Paramedic (Texas) -701447;	
STUMP, GREG	Driver	EMT-Basic (Texas) -731361;	
CROW, GENE	Other	EMT-Paramedic (Texas) -709059;	
WILLIAMS, JONATHAN	Other	EMT-Paramedic (Texas) -719664;	
Insurance Details			
Insured's Name	Primary Payer	Dispatch Nature	
Relationship To Patient	Medicare	Response Urgency	
Insured SSN	Medicaid	Job Related Injury	
Insured DOB	Primary Insurance	Employer	
Address 1	Policy #	Contact	
Address 2	Group #	Phone	
Address 3	Secondary Ins		
City	Policy #		
State	Group #		
Zip			
Country	UNITED STATES		
Mileage			
Scene		Category	
Destination		Delays	
Loaded Miles	0.0		
Start			
End			
Total Miles	0.0		
Additional Agencies			
Next of Kin			
Next of Kin Name	Address 1	City	
Relationship to Patient	Address 2	State	
Phone	Address 3	Zip	
		Country	UNITED STATES
Transfer Details			
PAN	Sending Physician		
PCS	Sending Record #		
ABN	Receiving Physician		
CMS Service Level	Condition Code		
ICD-9 Code	Condition Code Modifier		
Transfer Reason			
Other/Services			
Medical Necessity			

51494000

JUN 01 2015

BUMA00001086

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Location: 3489 HERCULES RD CARMINE, TX 78932 , Carmine Dispatch Time: 03/29/2015 17:49:42
Additnl Loc Info: Arrive Time: 03/29/2015 17:58:49
Common Name: Clear Date/Time:
Phone: (832)816-0846 Nature Of Call: Created By: Deborah Taylor
Call Type: TRANSPORTATION Report Required: No Canceled: No
Status: JUST OCCURRED Priority: IMM LIFE THREAT Source: 911
Police ORI: TX2390000 EMS ORI: 239006 Fire ORI: XG303

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
BUMA, JASON ROGER	VICTIM	1951 ROLLING BROOKS LN RENO, NV		UNKNOWN	MALE	05/21/1988	46	
OCALLAGHAN, MICHAEL JOSEPH	COMPLAINANT	3489 HERCULES RD CARMINE, TX 78932 , Carmine	(832)816-0846	WHITE	MALE	03/18/1958	57	

Vehicle Information

Vehicle Type: RECREATIONAL Make: POLARIS Model: Year: 2010
Style: FOUR WHEELER ATV VIN: 4XAMH50A0AA0 12281 Condition: Color: UNKNOWN
Plate Type: ALL-TERRAIN VEHICLE Plate: Plate State: TX Reg. Year:
Description: CRAIG GORDY 14240 HARTSTACK RD CARMINE TX 78932

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
03/29/2015 17:48:51	Deborah Taylor	E911 Info - Special Response Info: 0.189280 S=000 D=000 WIRELESS CALLER VERI
03/29/2015 17:49:47	Jonathan Williams - jwilliams	Dispatch received by unit M2
03/29/2015 17:49:49	Katherine Podeszwa - kpodeszwa	Dispatch received by unit S1
03/29/2015 17:49:50	Deborah Taylor	LAYING IN ROADWAY
03/29/2015 17:50:00	Deborah Taylor	HEAD INJURIES
03/29/2015 17:50:04	Deborah Taylor	BLEEDING FROM BACK OF HEAD AND OUT OF MOUTH
03/29/2015 17:51:01	Deborah Taylor	ProQA Medical Dispatch Message Sent; Dispatch Code: 29-D-02k
03/29/2015 17:51:01	Deborah Taylor	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:01	Deborah Taylor	45 year old, Male, Unconscious, Breathing. Traffic / Transportation Incidents. HIGH MECHANISM (k through s). Caller Statement: VEH FLEW OFF ATV. 1.The incident involves an all-terrain vehicle or snowmobile.
03/29/2015 17:51:08	Deborah Taylor	PATIENT IS GASPING
03/29/2015 17:51:42	Deborah Taylor	2.Chemicals or other hazards are not involved. 3.There is no one pinned. 4.Everyone is not completely awake (alert). 5.His injuries are described as other than to a NOT DANGEROUS area. 6.There is SERIOUS bleeding.
03/29/2015 17:51:42	Deborah Taylor	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;

SHAW-WOOD

JUN 01 2015

BUMA00001187

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2016 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Area:	All		

CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672
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Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
03/29/2015 17:51:42	Deborah Taylor	ProQA Medical Key Questions have been completed; Dispatch Code: 29-D-02k
03/29/2015 17:52:01	Gene Crow - gcrow	Dispatch received by unit S2
03/29/2015 17:52:34	Deborah Taylor	DEAD END OF HERCULES RD
03/29/2015 17:53:21	Deborah Taylor	LYING IN POOL OF BLOOD
03/29/2015 17:53:24	Deborah Taylor	STILL GASPING
03/29/2015 17:53:39	Deborah Taylor	PAT JASON BUMA
03/29/2015 17:53:59	Deborah Taylor	CALLER WAS BEHIND PATIENT ON ATV AND HE FLEW OVER HANDLEBARS
03/29/2015 17:54:58	Jerod Hartfield	STARTING CPR INSTRUCTIONS
03/29/2015 17:56:52	Deborah Taylor	MAJOR HEAD TRAUMA
03/29/2015 17:56:55	Deborah Taylor	LARGE BLOOD LOSS
03/29/2015 17:57:01	Deborah Taylor	355 ON SCENE
03/29/2015 17:57:52	Deborah Taylor	WILL HAVE TO TURN DOWN HERCULES RD.. 355 ON SCENE WITH HAZARDS ON
03/29/2015 17:59:26	Jerod Hartfield	LAUNCHING PHI
03/29/2015 17:59:34	Jerod Hartfield	MED 12 OUT OF BRYAN
03/29/2015 17:59:40	Deborah Taylor	45 year old, Male, Unconscious, Breathing.
03/29/2015 17:59:40	Deborah Taylor	Problem; VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:59:40	Deborah Taylor	ProQA Medical Questionnaire Completed; Dispatch Code: 29-D-02k
03/29/2015 17:59:51	Jerod Hartfield	ETA 22 MIN
03/29/2015 18:00:21	Deborah Taylor	CALLERS WIFE 979-278-3650 REQUESTING TO CALL HER.. NO ANSWER
03/29/2015 18:01:56	Deborah Taylor	MASSIVE HEAD INJURY WITH A LOT OF BLOOD LOSS.. UNCONSCIOUS
03/29/2015 18:02:26	Sarah Baker	PHI WILL BE LANDING AT BURTON FOOTBALL FIELD
03/29/2015 18:03:14	Deborah Taylor	46 YOA MALE UNCONSCIOUS.. NO PULSE
03/29/2015 18:03:28	Deborah Taylor	WILL NEED LIFELIGHT
03/29/2015 18:04:53	Fay Janes	Dispatch received by unit 7121
03/29/2015 18:06:11	Jerod Hartfield	ATTEMPTED NOTIFY EMS1, NO ANSWER LEFT MESSAGE
03/29/2015 18:09:16	Deborah Taylor	355 DISCONNECTED CALL WHEN EMS ARRIVED
03/29/2015 18:13:44	Jerod Hartfield	14 MIN OUT TO BURTON FOOTBALL FIELD
03/29/2015 18:14:20	Deborah Taylor	M2 ON SCENE 18:09
03/29/2015 18:16:16	Jerod Hartfield	CANCEL PHI
03/29/2015 18:16:38	Jerod Hartfield	PHI CLEAR ON TRAFFIC
03/29/2015 18:16:45	Jerod Hartfield	ONE DOA
03/29/2015 18:44:40	Deborah Taylor	S/N EH500PLE13A8517 POLARIS
03/29/2015 19:04:58	Janelra Moore	BRENHAM MEMORIAL CHAPEL ENRT
03/29/2015 19:06:16	Janelra Moore	WILL CALL BACK WITH A BETTER ETA WHEN THEY ARE ENRT
03/29/2015 19:06:04	Amber Coward	POLARIS ATV S/N EH500PLE13A8517 VIN 4XANH50A0AA012281
03/29/2015 19:32:22	Catherine Cordelro	EMS REPORT SENT 1932

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JUN 01 2015

BUMA00001288

Detail Call For Service Report

LogIn ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Areas:	All		
CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672

Associated Areas

Area Type Code	Description
Quadrant	Burton FD Quad 1 (503)
Station	
Beat	SO Beat 4
District	EMS District 2
Police ORI	TX2390000
EMS ORI	239006
Fire ORI	XG303

Incident Number(s)

Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2015-00000013	TX2390800	No	Washington County Precinct 4	Police
2015-00000227	TX2390700	No	Burton Police Department	Police
2015-00000236	TX239043J	No	Washington County Precinct 2	Police
2015-00000253	TXDPS8100	No	Texas Highway Patrol	Police
2015-00001672	239006	Yes	Washington County Emergency Medical Services	EMS
2015-00005037	TX2390000	No	Washington County Sheriff's Office	Police

Unit(s)

Unit	Primary Unit	Radio Number	Personnel
S2	No	S2	
7121	No	7121	33 Janes
S1	No	S1	
2731	No	2731	9166 Reaves
350	No	350	
JP4	No	JP4	JP2 Kendall
JP2	No	JP2	JP1 Cone
366	No	366	FR01 Caples
M2	Yes	M2	
410	No	410	BPD1 Rolling

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:48:51	Deborah Taylor	Call Created	New call created. Call Type: NEW CALL, Location: 12890 COUNTY ROAD 408, Phone Number: (832)816-0846, Name: AT&T MOBILITY
03/29/2015 17:48:51	Deborah Taylor	Narrative Added	E911 Info - Special Response Info: 0.189260 S=000 D=000 WIRELESS CALLER VERI
03/29/2015 17:48:51	Deborah Taylor	Person Added	Name: AT&T MOBILITY
03/29/2015 17:49:11	Deborah Taylor	Location	Location: 3489 HERCULES RD, Venue: <No Venue>
03/29/2015 17:49:12	Deborah Taylor	Location	Location: 3489 HERCULES RD, Venue: Carmine
03/29/2015 17:49:12	Deborah Taylor	Reset Alarm Level	Fire Alarm Level Reset EMS Alarm Level Reset
03/29/2015 17:49:21	Deborah Taylor	Call Type	NewCallType: TRANSPORTATION INCIDENT, Status: JUST OCCURRED, Priority: IMM LIFE THREAT

Detail Call For Service Report

LogIn ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:49:42	Jerod Hartfield	Incident Created	Added Incident Number, ORI: 239006 , Number: 2015-00001672
03/29/2015 17:49:42	Jerod Hartfield	Unit Status Action	Unit M2 DISPATCHED
03/29/2015 17:49:46	Sarah Baker	Person Updated	Name: AT&T MOBILITY,, Location: 12860 COUNTY ROAD 408, Venue: <No Venue>, Contact Phone: (832)816-0846
03/29/2015 17:49:46	Jerod Hartfield	Unit Status Action	Unit S1 DISPATCHED
03/29/2015 17:49:47	Jonathan Williams - jwilliams	Narrative Added	Dispatch received by unit M2
03/29/2015 17:49:49	Jerod Hartfield	Unit Status Action	Unit 350 DISPATCHED
03/29/2015 17:49:49	Katherine Podaszwa - kpodaszwa	Narrative Added	Dispatch received by unit S1
03/29/2015 17:49:50	Deborah Taylor	Narrative Added	LAYING IN ROADWAY
03/29/2015 17:50:00	Deborah Taylor	Narrative Added	HEAD INJURIES
03/29/2015 17:50:04	Deborah Taylor	Narrative Added	BLEEDING FROM BACK OF HEAD AND OUT OF MOUTH
03/29/2015 17:50:14	Jerod Hartfield	Unit Status Action	Unit M2 ENROUTE
03/29/2015 17:50:18	Jerod Hartfield	Unit Status Action	Unit S1 ENROUTE
03/29/2015 17:50:50	Sarah Baker	Incident Created	Added Incident Number, ORI: TX2390700, Number: 2015-00000227
03/29/2015 17:50:50	Sarah Baker	Unit Status Action	Unit 410 ENROUTE
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	ProQA Medical Dispatch Message Sent; Dispatch Code: 29-D-02k
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 46 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	46 year old, Male, Unconscious, Breathing. Traffic / Transportation Incident. HIGH MECHANISM (k through s). Caller Statement: VEH FLEW OFF ATV. 1.The Incident Involves an all-terrain vehicle or s ...
03/29/2015 17:51:08	Deborah Taylor	Narrative Added	PATIENT IS GASPING
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	2.Chemicals or other hazards are not involved. 3.There is no one pinned. 4.Everyone is not completely awake (alert). 5.His injuries are described as other than to a NOT DANGEROUS area. 6.There is ...
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 46 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	ProQA Medical Key Questions have been completed; Dispatch Code: 29-D-02k
03/29/2015 17:51:58	Jerod Hartfield	Unit Status Action	Unit S2 DISPATCHED
03/29/2015 17:52:01	Gene Crow - gcrow	Narrative Added	Dispatch received by unit S2
03/29/2015 17:52:04	Jerod Hartfield	Unit Status Action	Unit S2 ENROUTE
03/29/2015 17:52:34	Deborah Taylor	Narrative Added	DEAD END OF HERCULES RD
03/29/2015 17:53:10	Jerod Hartfield	Incident Created	Added Incident Number, ORI: TXDPS8100, Number: 2015-00000263
03/29/2015 17:53:10	Jerod Hartfield	Unit Status Action	Unit 2731 ENROUTE
03/29/2015 17:53:21	Deborah Taylor	Narrative Added	LYING IN POOL OF BLOOD
03/29/2015 17:53:24	Deborah Taylor	Narrative Added	STILL GASPING
03/29/2015 17:53:39	Deborah Taylor	Narrative Added	PAT JASON BUMA
03/29/2015 17:53:59	Deborah Taylor	Narrative Added	CALLER WAS BEHIND PATIENT ON ATV AND HE FLEW OVER HANDLEBARS

SHAY WOOD

JUN 01 2015

BUMA00001490

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:54:58	Jerod Hartfield	Narrative Added	STARTING CPR INSTRUCTIONS
03/29/2015 17:55:49	Jerod Hartfield	Incident Created	Added Incident Number, ORI: TX2390000, Number: 2015-00005037
03/29/2015 17:55:49	Jerod Hartfield	Unit Status Action	Unit 7121 ENROUTE
03/29/2015 17:56:48	Deborah Taylor	Unit Status Action	Unit 355 DISPATCHED
03/29/2015 17:56:49	Deborah Taylor	Unit Status Action	Unit 355 AT SCENE
03/29/2015 17:56:52	Deborah Taylor	Narrative Added	MAJOR HEAD TRAUMA
03/29/2015 17:56:55	Deborah Taylor	Narrative Added	LARGE BLOOD LOSS
03/29/2015 17:57:01	Deborah Taylor	Narrative Added	355 ON SCENE
03/29/2015 17:57:52	Deborah Taylor	Narrative Added	WILL HAVE TO TURN DOWN HERCULES RD.. 355 ON SCENE WITH HAZARDS ON
03/29/2015 17:59:25	Jerod Hartfield	Narrative Added	LAUNCHING PHI
03/29/2015 17:59:34	Jerod Hartfield	Narrative Added	MED 12 OUT OF BRYAN
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	45 year old, Male, Unconscious, Breathing.
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	ProQA Medical Questionnaire Completed; Dispatch Code: 29-D-02k
03/29/2015 17:59:43	Sarah Baker	Unit Status Action	Unit 410 AT SCENE
03/29/2015 17:59:51	Jerod Hartfield	Narrative Added	ETA 22 MIN
03/29/2015 18:00:21	Deborah Taylor	Narrative Added	CALLERS WIFE 979-278-3550 REQUESTING TO CALL HER.. NO ANSWER
03/29/2015 18:01:56	Deborah Taylor	Narrative Added	MASSIVE HEAD INJURY WITH A LOT OF BLOOD LOSS.. UNCONSCIOUS
03/29/2015 18:02:28	Sarah Baker	Narrative Added	PHI WILL BE LANDING AT BURTON FOOTBALL FIELD
03/29/2015 18:03:12		Unit Timer Expired	Unit 2731;ENROUTE
03/29/2015 18:03:14	Deborah Taylor	Narrative Added	45 YOA MALE UNCONSCIOUS.. NO PULSE
03/29/2015 18:03:29	Deborah Taylor	Narrative Added	WILL NEED LIFELIGHT
03/29/2015 18:04:53	Fay Jones	Narrative Added	Dispatch received by unit 7121
03/29/2015 18:06:11	Jerod Hartfield	Narrative Added	ATTEMPTED NOTIFY EMS1, NO ANSWER LEFT MESSAGE
03/29/2015 18:09:15	Deborah Taylor	Narrative Added	355 DISCONNECTED CALL WHEN EMS ARRIVED
03/29/2015 18:09:33	Jerod Hartfield	Unit Status Action	Unit S2 AT SCENE
03/29/2015 18:10:10	Deborah Taylor	Person Updated	Name: O'CALLAHAN, MICHAEL., Location: 12890 COUNTY ROAD 400, Contact Phone: (832)816-0846
03/29/2015 18:10:47	Jerod Hartfield	Unit Status Action	Unit S1 AT SCENE
03/29/2015 18:10:52	Jerod Hartfield	Unit Status Action	Unit S1 PATIENT CONTACT
03/29/2015 18:10:56	Jerod Hartfield	Unit Status Action	Unit S1 CRITICAL
03/29/2015 18:13:01	Deborah Taylor	Unit Status Action	Unit 7121 AT SCENE
03/29/2015 18:13:28	Deborah Taylor	Unit Status Action	Unit M2 AT SCENE
03/29/2015 18:13:44	Jerod Hartfield	Narrative Added	14 MIN OUT TO BURTON FOOTBALL FIELD
03/29/2015 18:14:20	Deborah Taylor	Narrative Added	M2 ON SCENE 18:09
03/29/2015 18:15:15	Jerod Hartfield	Narrative Added	CANCEL PHI

Stamp

JUN 01 2015

BUMA00001591

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 18:16:38	Jerod Hartfield	Narrative Added	PHI CLEAR ON TRAFFIC
03/29/2015 18:16:45	Jerod Hartfield	Narrative Added	ONE DOA
03/29/2015 18:26:57	Deborah Taylor	Unit Status Action	Unit 2731 AT SCENE
03/29/2015 18:28:31	Sarah Baker	Unit Status Action	Unit M2 cleared from call
03/29/2015 18:29:17	Gene Crow - gcrow	Unit Status Action	Unit S2 cleared from call
03/29/2015 18:38:35	Deborah Taylor	Incident Created	Added Incident Number, ORI: TX2390600, Number: 2015-00000013
03/29/2015 18:38:35	Deborah Taylor	Unit Status Action	Unit JP4 DISPATCHED
03/29/2015 18:37:27	Deborah Taylor	Unit Status Action	Unit JP4 cleared from call
03/29/2015 18:42:07	Deborah Taylor	Incident Created	Added Incident Number, ORI: TX239043J, Number: 2015-00000235
03/29/2015 18:42:07	Deborah Taylor	Unit Status Action	Unit JP2 DISPATCHED
03/29/2015 18:42:09	Deborah Taylor	Unit Status Action	Unit JP2 ENROUTE
03/29/2015 18:44:40	Deborah Taylor	Narrative Added	S/N EH500PLE13A8517 POLARIS
03/29/2015 18:52:09		Unit Timer Expired	Unit JP2;ENROUTE
03/29/2015 19:00:28	Janetra Moore	Unit Status Action	Unit 7121 CODE 4
03/29/2015 19:00:30	Janetra Moore	Unit Status Action	Unit 410 CODE 4
03/29/2015 19:00:40	Janetra Moore	Unit Status Action	Unit 2731 CODE 4
03/29/2015 19:04:44	Janetra Moore	Service Vehicle Rotation	BRENHAM MEMORIAL CHAPEL: Select
03/29/2015 19:04:58	Janetra Moore	Narrative Added	BRENHAM MEMORIAL CHAPEL ENRT
03/29/2015 19:05:16	Janetra Moore	Narrative Added	WILL CALL BACK WITH A BETTER ETA WHEN THEY ARE ENRT
03/29/2015 19:08:04	Amber Coward	Narrative Added	POLARIS ATV S/N EH500PLE13A8517 VIN 4XANH50A0AA012281
03/29/2015 19:10:25		Unit Timer Expired	Unit 7121;CODE 4
03/29/2015 19:10:30		Unit Timer Expired	Unit 410;CODE 4
03/29/2015 19:10:40		Unit Timer Expired	Unit 2731;CODE 4
03/29/2015 19:23:41	Janetra Moore	Unit Status Action	Unit S1 RADIO CONTACT
03/29/2015 19:23:44	Janetra Moore	Unit Status Action	Unit 355 CODE 4
03/29/2015 19:23:47	Janetra Moore	Unit Status Action	Unit 350 cleared from call
03/29/2015 19:27:08	Catherine Cordelro	Unit Status Action	Unit S1 cleared from call
03/29/2015 19:32:11	Catherine Cordelro	Unit Recommendation	Recommended Static Unit(s): 410, 2731, 7121, 355, JP2.
03/29/2015 19:32:13	Catherine Cordelro	Unit Recommendation	Recommended Run Card Unit(s): M1.
03/29/2015 19:32:22	Catherine Cordelro	Narrative Added	EMS REPORT SENT 1932
03/29/2015 19:32:49	Janetra Moore	Person Updated	Name: OCALLAGHAN,MICHAEL,JOSEPH, Location: 3489 HERCULES RD, Contact Phone: (832)818-0848
03/29/2015 19:33:44		Unit Timer Expired	Unit 355;CODE 4
03/29/2015 19:34:18	Janetra Moore	Unit Status Action	Unit 355 cleared from call
03/29/2015 19:35:57	Amber Coward	Vehicle Added	Role: UNIT #1, Type: RECREATIONAL, Make: POLARIS, State: TX
03/29/2015 19:38:04	Amber Coward	Person Added	Name: BUMA,JASON,ROGER, Location: 1951 ROLLING BROOKS LN

SHAY, JAMES

JUN 01 2015

BUMA00001692

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
 To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
 Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2016-00001672

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 17:49:42	Jerod Hartfield	M2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:49:48	Jerod Hartfield	S1	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:49:49	Jerod Hartfield	350	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:50:14	Jerod Hartfield	M2	ENROUTE	Unit Status Change		
03/29/2015 17:50:18	Jerod Hartfield	S1	ENROUTE	Unit Status Change		
03/29/2015 17:50:50	Sarah Baker	410	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:50:50	Sarah Baker	410	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:51:58	Jerod Hartfield	S2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:52:04	Jerod Hartfield	S2	ENROUTE	Unit Status Change		
03/29/2015 17:53:10	Jerod Hartfield	2731	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:53:10	Jerod Hartfield	2731	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:55:49	Jerod Hartfield	7121	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:55:49	Jerod Hartfield	7121	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:56:46	Deborah Taylor	355	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:56:49	Deborah Taylor	355	AT SCENE	Unit Status Change		
03/29/2015 17:59:43	Sarah Baker	410	AT SCENE	Unit Status Change		
03/29/2015 18:03:12	default_nws - default_nws	2731	ENROUTE	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 18:09:33	Jerod Hartfield	S2	AT SCENE	Unit Status Change		
03/29/2015 18:10:47	Jerod Hartfield	S1	AT SCENE	Unit Status Change		

Stamp

JUN 01 2015

BUMA00001793

Detail Call For Service Report

LogIn ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 18:10:52	Jerod Hartfield	S1	PATIENT CONTACT	Unit Status Change		
03/29/2015 18:10:56	Jerod Hartfield	S1	CRITICAL	Unit Status Change		
03/29/2015 18:13:01	Deborah Taylor	7121	AT SCENE	Unit Status Change		
03/29/2015 18:13:28	Deborah Taylor	M2	AT SCENE	Unit Status Change		
03/29/2015 18:26:57	Deborah Taylor	2731	AT SCENE	Unit Status Change		
03/29/2015 18:28:31	Sarah Baker	M2	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:28:31	Sarah Baker	M2	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:29:17	Gene Crow - gcrow	S2	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:29:17	Gene Crow - gcrow	S2	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:36:36	Deborah Taylor	JP4	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 18:37:27	Deborah Taylor	JP4	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:37:27	Deborah Taylor	JP4	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:42:07	Deborah Taylor	JP2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 18:42:09	Deborah Taylor	JP2	ENROUTE	Unit Status Change		
03/29/2015 18:52:09	default_nws - default_nws	JP2	ENROUTE	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:00:26	Janetra Moore	7121	CODE 4	Unit Status Change		
03/29/2015 19:00:30	Janetra Moore	410	CODE 4	Unit Status Change		
03/29/2015 19:00:40	Janetra Moore	2731	CODE 4	Unit Status Change		
03/29/2015 19:10:26	default_nws - default_nws	7121	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:10:30	default_nws - default_nws	410	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:10:40	default_nws - default_nws	2731	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:23:41	Janetra Moore	S1	RADIO CONTACT	Unit Status Change		3489 HERCULES RD, Carmine

JUN 01 2015

BUMA00001894

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Areas:	All		

CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672
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Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 19:23:44	Janelra Moore	355	CODE 4	Unit Status Change		
03/29/2015 19:23:47	Janelra Moore	350	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:23:47	Janelra Moore	350	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 19:27:08	Catherine Cordelro	S1	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:27:08	Catherine Cordelro	S1	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 19:33:44	default_nws - default_nws	355	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:34:16	Janelra Moore	355	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:34:16	Janelra Moore	355	AVAILABLE FOR CALLS	Unit Status Change		

JUN 01 2015

BUMA00001995

From: Sandy, Shanna [mailto:shanna.sandy@twentyeighty.com]
Sent: Monday, June 08, 2015 11:54 AM
To: Jacqueline Guzon
Cc: Williams, Genene
Subject: RE: *URGENT Request for Response* RE: Jason Buma / CLM# E2C12430
Importance: High

Hi Jacqueline,

Apologies for not getting back to you sooner. I was traveling this week and also needed to bring Genene Williams, who has replaced me as Director, Global Payroll & Benefits, up to speed on this issue should it go beyond the next few weeks. I will continue to work with you on this until such time I am no longer with the business. My only request is that you continue to copy Genene on any correspondence we have so that she is kept apprised of what's going on. I have provided Genene's contact information below and copied her on this email for your convenience.

Genene E. Williams
Director, Global Payroll & Benefits
(727) 503-0070
genene.williams@twentyeighty.com

Please see my responses to your questions below and let me know if you need anything else.

Thanks!

SHANNA SANDY
727-200-8234 / 727-200-8235
Shanna.Sandy@twentyeighty.com



From: Jacqueline Guzon [mailto:Jacqueline_Guzon@qbtpa.com]
Sent: Friday, May 29, 2015 11:12 AM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: *URGENT Request for Response* RE: Jason Buma / CLM# E2C12430
Importance: High

Hi Shanna,

To follow-up to my voice message left this AM, we are needing additional information as follows for our investigation:

- Please provide exact date(s) along with time(s) of meetings that Mr. Buma was to attend for his business trip during the last week of March and first week of April. >> Mr. Buma was scheduled to meet with Miller Heiman clients on Monday March 30, 2015 at 8:30am and 9:30am.
- Description of accident notes that Mr. Buma was riding an ATV with his business partner; please confirm as to whether or not Mr. Buma was required to ride on the ATV for work purposes. >> Mr. Buma was not required to ride on the ATV for work purposes.
- Please advise if there was a company event held on 03/29/15 at Mr. Buma's accident location. >> There was no company event held on 03/29/2015 at Mr. Buma's accident location.

Feel free to contact me directly with any further questions or concerns.

BUMA00002096

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460

From: Jacqueline Guzon
Sent: Thursday, May 28, 2015 4:05 PM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: RE: Jason Buma / CLM# E2C12430

Hi Shanna,

It looks like the widow is pursuing a claim under NV jurisdiction and they have retained legal counsel. We will be reviewing this file for claim denial. I've attached the documentation submitted to our office that was received just today.

Will there be an alternate contact for me to reach out to since you will no longer be with the company?

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460

From: Sandy, Shanna [<mailto:shanna.sandy@twentyeighty.com>]
Sent: Thursday, May 28, 2015 6:43 AM
To: Jacqueline Guzon
Subject: RE: Jason Buma / CLM# E2C12430

Hi Jacqueline,

I hope all is well. Please excuse the late response. I was out on leave when you emailed me and I'm in the process of transitioning out of the Company as well so things have been quite hectic.

Is there anything else you need from me to close this claim? I believe that you already denied the claim but I just wanted to confirm with you so I can mark this issue as closed.

If you could get back to me sometime today I'd appreciate it. Thank you so much for your help.

Regards,
SHANNA SANDY
Director, Global Payroll & Benefits
Shanna.Sandy@twentyeighty.com



From: Jacqueline Guzon [mailto:Jacqueline_Guzon@gbtpa.com]
Sent: Monday, May 11, 2015 5:17 PM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: Jason Buma / CLM# E2C12430
Importance: High

Hi Shanna,

In review of this file and details noted; this injury/accident does not appear to be compensable per Nevada statutes as being related to course & scope of employment. Reporting in the file notes that Mr. Buma was riding an ATV on Sunday, 03/29/15, when he was involved in an accident that led to fatality. Mr. Buma's job title was noted to be Sales Vice President.

Please note that if Mr. Buma's spouse intends on pursuing a workers' compensation claim, she will need to file a Nevada state C4 form (Employee Claim for Compensation/Report of Initial Treatment) on behalf of the deceased along with autopsy, death certification, etc... The C4 form is what initiates a claim in the state of Nevada; we are not able to issue a compensability determination absent this form and claim remains a "Record Only".

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460



Gallagher Bassett Services, Inc.

June 25, 2015

VIA CERTIFIED MAIL USPS & REGULAR MAIL: 7012 3460 0000 2351 1937

C/O The Estate Of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

RE: Employee: C/O The Estate Of Jason Buma
Employer: Providence Corp Development (DBA) Miller Heiman, Inc.
Date Injured: 03/29/2015
Claim#: E2C12430
Underwriting Co. Continental Insurance Company

Dear C/O The Estate Of Jason Buma:

Gallagher Bassett Services, Inc. administers the workers' compensation program for the above captioned employer.

We are in receipt of a claim filed for your reported industrial injury of 03/29/2015. Please be advised that after careful review of the documentation pertaining to your reported injury, it is the determination of Gallagher Bassett Services, Inc. to deny your claim based on the following statutes:

NRS 616B.612 specifies that (Workers' Compensation coverage applies to).... "any and all personal injuries by accident sustained by an employee arising out of and in the course of employment".

NRS 616C.150 states that an employee must establish by a preponderance of evidence that an injury arose out of and in the course of employment.


NRS 617.440 specifies the conditions under which a disease may be considered for coverage, and the conditions must be met for a valid claim.

We regret our inability of service to you at this time. We suggest that you submit any medical expenses incurred in reference to your injury of 03/29/2015 to your healthcare carrier along with a copy of this denial notice.

If you disagree with this determination, you may file the enclosed "Request for Hearing" form with the Department of Administration, Hearing Officer at the address listed on the form, within seventy (70) days from the date of this determination. Failure to file a timely request with the Department of Administration, Hearing Officer may result in an order dismissing your case.

Feel free to contact me directly with any further questions or concerns regarding your claim.

Sincerely,



Jacqueline Guzon
Sr. Resolution Manager

cc: Providence Corp Development (DBA) Miller Heiman, Inc., Diaz & Galt Law Office, File

Enc. D12 Request for Hearing, copy of C4 form



Gallagher Bassett Services, Inc.

ACKNOWLEDGEMENT LETTER

June 26, 2015

C/O The Estate Of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

RE: Underwriting Continental Insurance Company
Claim#: E2C12430
Employee: Jason Buma
Employer: Providence Corp Development (DBA) Miller Heiman, Inc.
Date Injured: 03/29/2015

Dear C/O The Estate Of Jason Buma:

Gallagher Bassett Services, Inc. (GB) is the claim administrator who will be handling your claim. This letter will serve as acknowledgement of your claim.

If you have sought medical treatment for this injury, please make sure that your medical provider sends all medical bills associated with this claim to:

Gallagher Bassett Services, Inc.
P.O. Box 400970
Las Vegas, NV. 89140

Please be sure that your social security number, claim number, and date of injury are included on the medical bills. All correspondences should be sent directly to me at the branch address on the bottom of this letter. Also, please be advised that your medical bills will be processed quicker if they are on the red HCFA or red UB billing forms or state mandated medical billing form.

If you have lost or are losing time from work due to this injury (more than Statutory waiting period), please contact me immediately basis.

Should you have any questions regarding your claim, please contact me at 702-789-4500 ext. 4325.

Sincerely,


Jacqueline Guzon
Sr. Resolution Manager

CC: Providence Corp Development (DBA) Miller Heiman, Inc., DiazGalt Attorneys, File

THIS CONFIDENTIAL REPORT IS SUBMITTED IN ANTICIPATION OF FUTURE LITIGATION. IT IS AND SHOULD ALWAYS BE CONSIDERED ATTORNEY/CLIENT WORK PRODUCT

CONFIDENTIAL INVESTIGATIVE REPORT

July 6, 2015

Jacqueline Guzon Gallagher Bassett Services, Inc. PO Box 400970 Las Vegas, NV 89140	CLIENT FILE NO. OTHER FILE NO. OUR FILE NO. INSURED CLAIMANT LOCATION OF LOSS DATE OF LOSS	E2C12430 Not Provided 201506-237 Providence Corporate Development Jason Buma 3489 Hercules Rd. Carmine, TX 3/29/2015
SIU ASSIGNMENT RECEIVED	June 1, 2015	
ASSIGNMENT TYPE	SIU	

INVESTIGATOR	Stuart Zettel
DATES OF INVESTIGATION	June 9, 2015 June 10, 2015 June 11 2015 June 16 2015 June 18, 2015 June 19, 2015 June 20, 2015 June 22, 2015 June 23, 2015 June 24, 2015 June 30, 2015

ACCIDENT / LOSS DESCRIPTION
This is an ATV fatality accident.

SYNOPSIS OF FACTS
Widow and Child are Filling C4 Claim Benefits

INVESTIGATIVE TASKS TO COMPLETE AND FINDINGS
<p>1. Need a Recorded Statement from ATV owner, Michael O'Callaghan (832) 816-0846. Resides at 3489 Hercules Rd Carmine, TX 78932</p> <p>We would like to confirm the information provided by the employer listed below regarding when the first work related appointment was scheduled for and inquiries as listed;</p> <ul style="list-style-type: none"> - Please provide exact date(s) along with time(s) of meetings that Mr. Buma was to attend for his business trip during the last week of March and first week of April. >>Mr. Buma was scheduled to meet with Miller Heiman clients on Monday March 30, 2015 at 8:30 am and 9:30 am. <Shanna Sandy> - Description of accident notes that Mr. Buma was riding an ATV with his business partner; please confirm as to whether or not Mr. Buma was required to ride on the ATV for work purposes. >>Mr. Buma was not required to ride on the ATV for work purposes. <Shanna Sandy> - Please advise if there was a company event held on 03/29/15 at Mr. Buma's accident location. >> There was no company event held on 03/29/2015 at Mr. Buma's accident location. <Shanna Sandy>

Findings: Complete

Mr. Buma arrived in Texas on March 29, 2015 at approximately 3:30 pm. The accident occurred at about 5:00 pm.

Mr. Buma was not required to ride the ATV for work purposes.

There was no company event on March 29, 2015. The meetings were starting on March 30, 2015 in Houston, Texas.

PRELIMINARY INVESTIGATION

The case file and objectives were reviewed and discussed with the client.

DETAILS OF INVESTIGATION

June 9, 2015

The case file and objectives were reviewed.

I attempted to contact the client to discuss file and left voice mail message to call.

I attempted to contact the ATV owner, Michael O'Callaghan (832) 816-0846, and left a voice mail message to call.

June 10, 2015

I received a voice mail message from the client Jacqueline Guzon (702) 789-4325 stating that she only needs a recorded statement from ATV owner Michael O'Callaghan.

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call.

I received a call back from Michael O'Callaghan (832) 816-0846. He is out of town on business until June 25, 2015. I advised Mr. O'Callaghan I would need to check with the client to see if how they wanted to proceed and would call him back.

I attempted to contact the client Jacqueline Guzon and left a voice mail message advising that Michael O'Callaghan is out of town on business until June 25, 2015.

June 11, 2015

I received an email response and a phone call from the client Jacqueline Guzon. A telephone recorded statement is ok.

June 16, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call to schedule his phone recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 18, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left two voice mail messages to call to schedule his phone recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 19, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left another voice mail message to call to schedule his phone recorded statement. There has been no response from Mr. O'Callaghan.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 20, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message in the morning and later afternoon to call to schedule his phone recorded statement.

This investigator will contact the client Jacqueline Guzon on June 22, 2015 to advise there has been no response from Michael O'Callaghan to obtain his phone recorded statement and to find out how the client wants to proceed at this time.

June 22, 2015

I received an email from the client asking for status update on recorded statement with Michael O'Callaghan.

An email was sent to the client advising that I have left several messages for Michael O'Callaghan but there has been no response.

This investigator attempted to contact the client and left a voice mail message for the client asking how to proceed at this time.

June 23, 2015

I received an email response from the client stating it is ok to wait until Michael O'Callaghan returns home to obtain his statement.

The client also approved a due date extension until July 1, 2015.

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call to schedule his recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his recorded statement.

June 24, 2015

I spoke to Michael O'Callaghan (832) 816-0846. He is on his way home after being out of town for 7 weeks. He is not able to meet on June 25, 2015 but is available to meet on June 30, 2015 between 11:00 am and 1:00 pm at his ranch located at 3489 Hercules Rd, Carmine, TX.

June 30, 2015

An in person recorded statement was obtained from the ATV owner Michael O'Callaghan (22 minutes) at his ranch located at 3489 Hercules Rd, Carmine, TX. Photos were taken of the loss location and the ATV that has since been repaired.

Recorded Statement of Michael O'Callaghan

Mr. Michael Joseph O'Callaghan was born on March 18, 1958 and was identified by his Texas Driver's License number 08151573. Mr. O'Callaghan lives at 3489 Hercules Rd, Carmine, TX 78932 and his home phone number is (979) 278-3550 and cell phone is (832) 816-0846. Mr. O'Callaghan's nickname is "Mickey." The ranch is 74 acres with a main house, guest house, barn dominium, barn, and a pond.

Mr. O'Callaghan is self-employed with Axiom International, Inc. and has been an independent representative for Miller Heiman for 15 years. Mr. O'Callaghan was assigned to a territory that the claimant, Jason Buma, managed and they worked together for about 3 years.

The accident occurred on March 29, 2015 at approximately 5:00 pm while Mr. O'Callaghan and Mr. Buma were riding ATV's. Mr. Buma flew into Texas on March 29, 2015 for meetings that started in Houston on March 30, 2015 and arrived at Mr. O'Callaghan's ranch at approximately 3:30 pm. Mr. Buma was not required to ride the ATV for work purposes. There was no company event on March 29, 2015. The meetings were starting on March 30, 2015 in Houston, Texas.

Mr. Buma had been to Mr. O'Callaghan's ranch on at least two prior occasions and had driven the ATV before this accident.

Mr. Buma and Mr. O'Callaghan visited briefly with each other on the back porch and each had a glass of wine prior to them going to dinner in Round Top, Texas. Mr. Buma told Mr. O'Callaghan that he wanted to ride on the ATV before going to dinner. This was just for pleasure and not worked related.

Mr. O'Callaghan was about 20-30 seconds behind Mr. Buma and did not witness the accident but did come upon Mr. Buma lying in the road in a "pool" of blood. The ATV was upright but facing the wrong direction and Mr. O'Callaghan could tell that ATV had rolled over due to the damage. The accident occurred on Hercules Rd outside the property on a dirt road with Kalechi rock.

Mr. O'Callaghan immediately checked on Mr. Buma who was unconscious but still breathing, called 911, and then started CPR until EMS arrived approximately 10 minutes later. Mr. Buma stopped breathing prior to EMS arriving and then EMS took over CPR. An ambulance, justice of the peace, and state trooper arrived and they determined life flight was too far away and Mr. Buma was pronounced dead on scene.

Mr. O'Callaghan's only neighbor, Mr. Gwyn, came to the scene when he heard the sirens from the ambulance. A female EMS was two miles away visiting her parents and heard the call over the radio. She traveled in her vehicle and was on scene 10 minutes prior to the ambulance arriving on scene.

Mr. O'Callaghan provided a statement to police and then the funeral home director came out and removed Mr. Buma's body.

Mr. O'Callaghan then contacted colleagues and they went to Mr. Buma's home in Reno, Nevada and notified his wife and family.

Mr. O'Callaghan again said they had one glass of red wine prior to riding the ATV but is not sure if Mr. Buma had any other alcohol on the plane prior to his arrival at the ranch. They had been riding for about 20 minutes and rode to the end of the road and were on the way back to Mr. O'Callaghan's property at the time of the accident which happened on a curve in the road.

Mr. Buma was riding a 2011 Polaris 500 Sportsman and Mr. O'Callaghan was riding a 2001 Yamaha 350 Kodiak. Mr. O'Callaghan is the owner of both ATV's.

Mr. O'Callaghan just had the ATV repaired for \$1300.00.

Photos were taken of the loss location and of the ATV's.

RECOMMENDATIONS

No recommendations at this time.

CASE STATUS	Closed
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ENCLOSURES	<ol style="list-style-type: none">1. Recorded Statement of Michael O'Callaghan2. Manual Photo Log
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Thank you for the continuing opportunity to be of service. Should you have any questions regarding this file, please feel free to contact our corporate office at 1-888-932-7364.

-----END OF REPORT -----

PHOTO LOG FOR CLAIM

Insured:	Providence Corporate Development
Claim #:	E2C12430
ICS MERRILL #:	201506-237-1
Investigator:	Stuart Zettel
Photos Taken:	33
Date of Loss:	June 30, 2015
Location:	3489 Hercules Rd. Carmine, TX 78932

Photo #:1



Photo
Description:

Front entrance to Mr. O'Callaghan's property at 3489 Hercules Rd.

Photo #: 2



Photo
Description:

Address on mailbox

Photo #:3



Photo
Description:

Risk-3489 Hercules Rd. Carmine, TX

Photo #:4

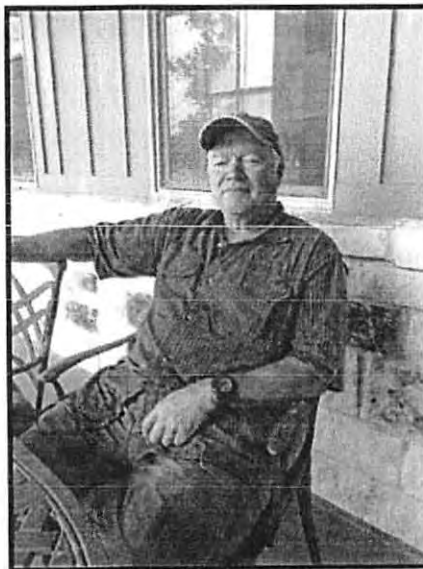


Photo
Description:

Mr. Michael O'Callaghan-The ATV owner

ICS Merrill

P.O. Box 350580 • Jacksonville, FL 32235 • 888.932.7364 • icsmerrill.com

BUMA00003108

Photo #:5



Photo
Description:

Texas Driver's License for Mr. O'Callaghan

Photo #:6



Photo
Description:

View of Hercules Rd. just outside the front gate

Photo #:7



Photo
Description:

Another view of Hercules Rd.

Photo #:8



Photo
Description:

View approaching neighbor's property at 3500 Hercules Rd.

ICS Merrill

P.O. Box 350580 · Jacksonville, FL 32235 · 888.932.7364 · icsmerrill.com

BUMA00003110

Photo #:9

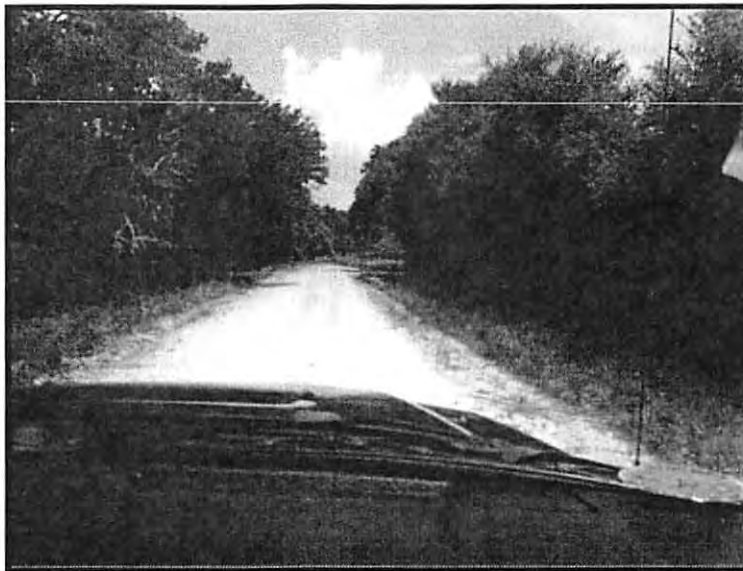


Photo
Description:

View looking down Hercules Rd.

Photo #:10

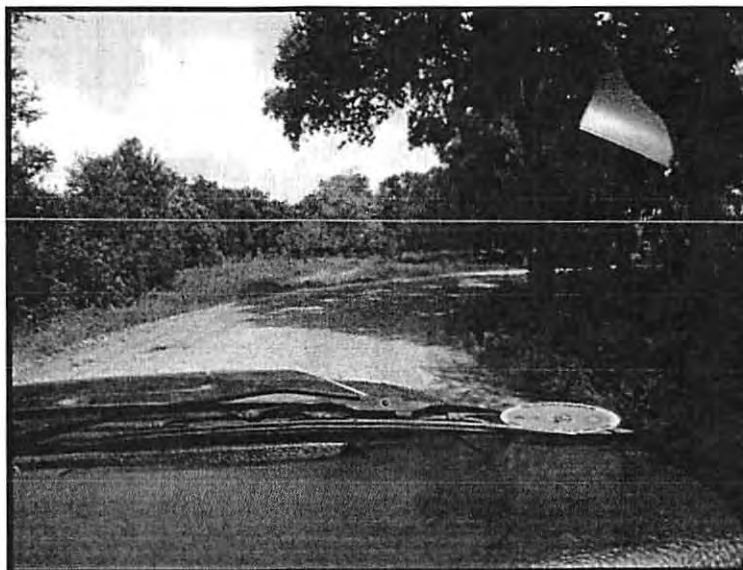


Photo
Description:

View of 1st curve in the road.

ICS Merrill

P.O. Box 350580 • Jacksonville, FL 32235 • 888.932.7364 • icsmerrill.com

BUMA00003111

Photo #:11



Photo
Description:

View approaching the 2nd curve

Photo #:12



Photo
Description:

View of 2nd curve

ICS Merrill

P.O. Box 350580 • Jacksonville, FL 32235 • 888.932.7364 • icsmerrill.com

BUMA0000312

Photo #:13



Photo
Description:

View of another straight away

Photo #:14

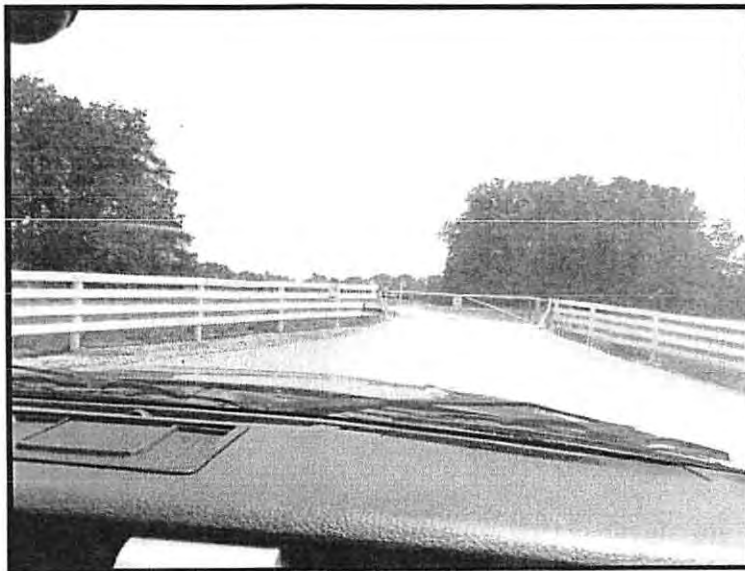


Photo
Description:

View of the end of the road

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BUMA00003113

Photo #:15



Photo
Description:

View heading back to the property

Photo #:16

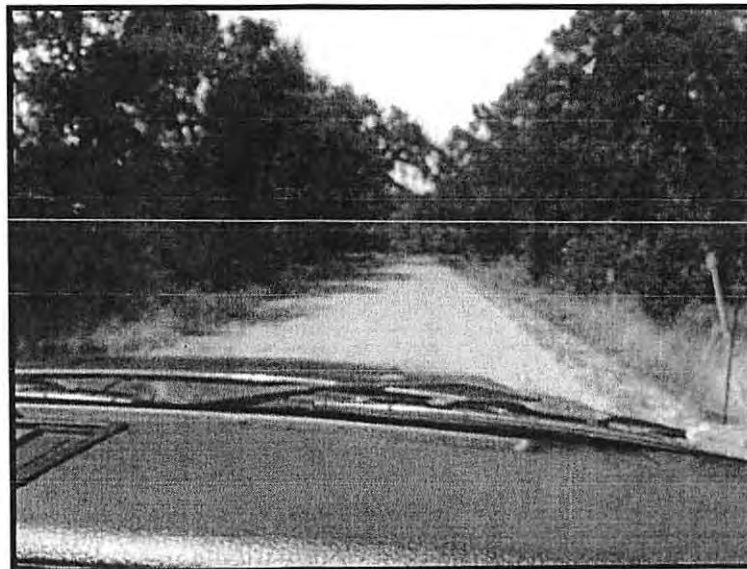


Photo
Description:

View of another straight away heading back to the property

ICS Merrill

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BUMA00003**14**

Photo #:17



Photo
Description:

View of curve in the road – this is where the accident occurred

Photo #:18



Photo
Description:

Another view of the curve in the road

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BUMA00003115

Photo #:19



Photo
Description:

Another view of the curve in road where the accident occurred

Photo #:20



Photo
Description:

Mr. O'Callaghan pointing to where he found Mr. Buma on the ground

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BUMA00004**116**

Photo #:21



Photo
Description:

View looking back from the curve in the road

Photo #:22



Photo
Description:

View re-entering the front gate to Mr. O'Callaghan's property

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BUMA00004117

Photo #:23



Photo
Description:

Rear view of the 2011 Polaris 500 Sportsman that has just been repaired.

Photo #:24



Photo
Description:

Passenger side view

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BUMA00004118

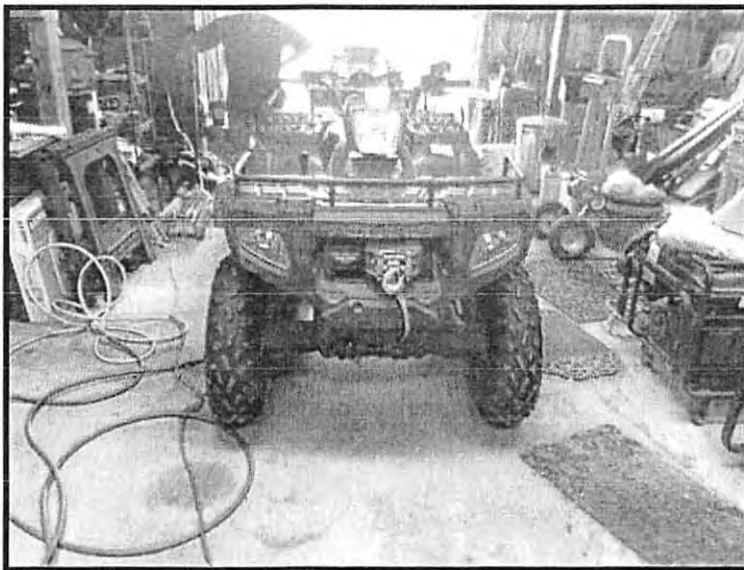
Photo #:25



Closer view

Photo
Description:

Photo #:26



Front view

Photo
Description:

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BUMA00004119

Photo #:27



Photo
Description:

Front and driver's side view

Photo #:28

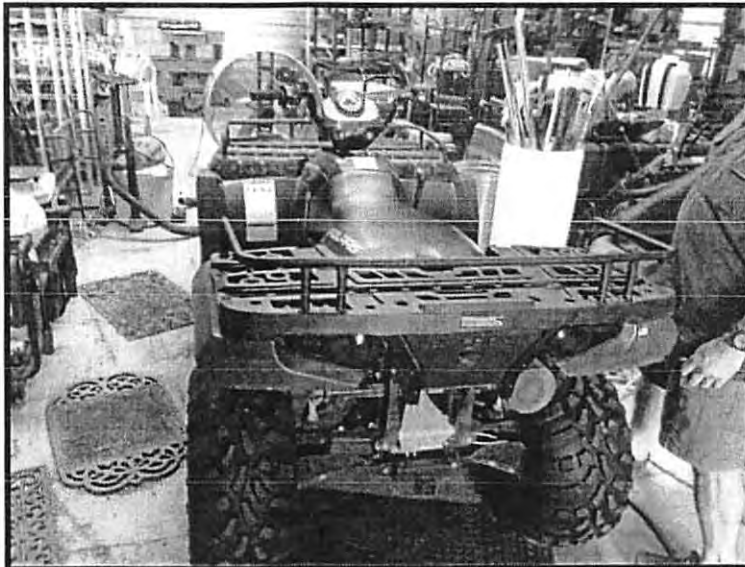


Photo
Description:

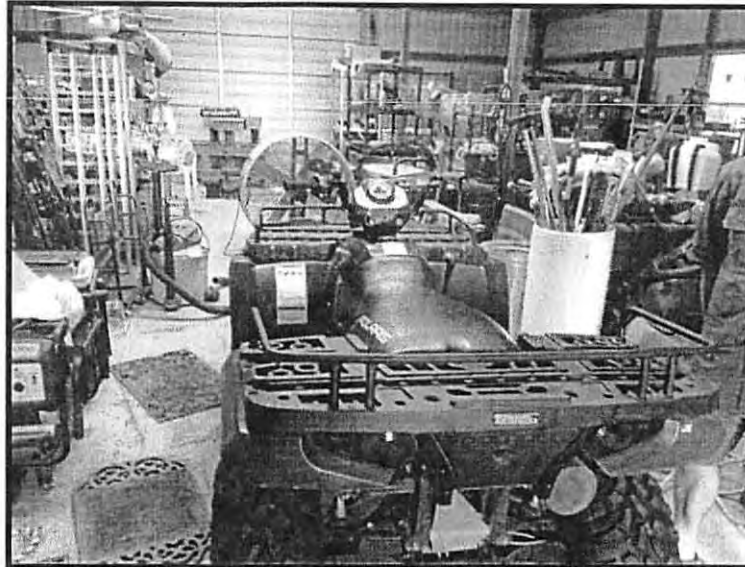
Back of the ATV- The rear bar was replaced.

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BUMA00004120

Photo #:29



Another view of back of the ATV

Photo
Description:

Photo #:30



Photo
Description:

2nd ATV-2001 Yamaha 350 Kodiak. Mr. O'Callaghan was riding this.

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BUMA00004121

Photo #:31

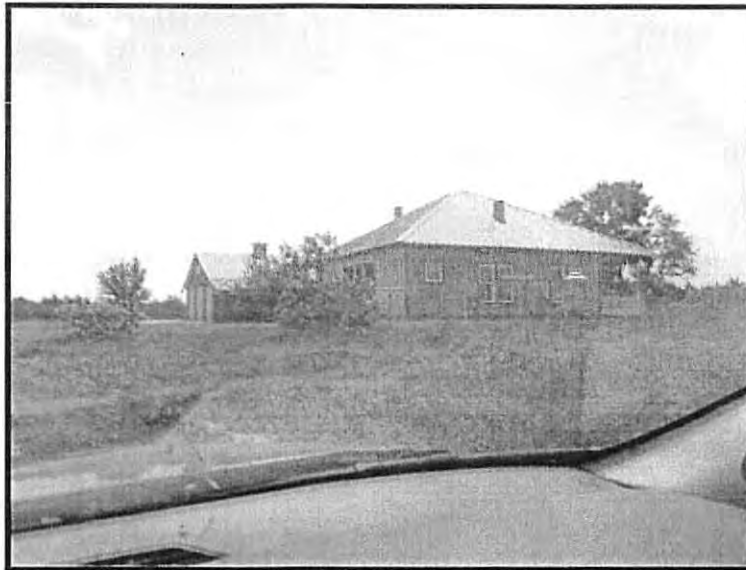


Photo
Description:

Guest house and Barndominium

Photo #:32



Photo
Description:

Front of Guest House

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BUMA00004122

Photo #:33



Photo
Description:

Barndominium

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BUMA00004123

53165

NOTICE OF APPEAL AND REQUEST FOR HEARING BEFORE THE HEARING OFFICER

Injured Worker Information

Name and Address:

C/O The Estate of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

Name & Address of Employer AT THE TIME OF INJURY:

Providence Corp Development (DBA) Miller Heiman, Inc.
10509 Professional Circle
Reno, NV 89521

Name & Address of Insurer:

Gallagher Bassett Services
P.O. Box 400970
Las Vegas, NV 89140

The REASON FOR HEARING REQUEST: Claimant disagrees with the Insurers letter dated June 25, 2015. Please see attached.

I HEREBY request a hearing before a Hearing Officer to review the determination shown above.

I am representing the Injured Worker in this matter and taking an appeal on their behalf.

Diaz & Galt, LLC.
Attorneys at Law
443 Marsh Avenue
Reno, Nevada 89509
(775) 324-6443


(Signature of person requesting appeal)

Date: 8/13/15

Department of Administration
1050 East William Street, Suite 400
Carson City, Nevada 89701

BUMA00004**124**

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NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE HEARINGS OFFICER

* * * * *

**In the Matter of the Contested
Industrial Insurance Claim**

of

JASON BUMA,

Claimant.

/

Claim No: E2C12430

Hearing No: 53765-SA

Appeal No.: 54752-LLW

CLAIMANT'S FIRST SUPPLEMENTAL EVIDENCE PACKET

Transcript of Audio-Recorded Interview of Mr. O'Callaghan 49-66

1 **AFFIRMATION**

2 I am an employee of Diaz & Galt, LLC, I affirm that there are no social security
3 numbers contained in this document.

4 DATED this 28th day of March, 2016.

5 
6 Heather Price
7

8 **CERTIFICATE OF SERVICE**

9 Pursuant to NRCP 5(b), I HEREBY CERTIFY I am an employee of Diaz & Galt,
10 LLC, and that on this date, I served a true and correct copy of the within **CLAIMANTS**
11 **EVIDENCE PACKET** via U.S. Mail at Reno, Nevada, Facsimile, or hand-delivery by
12 Bootleg Courier CO., as indicated, to the following:

13
14 Department of Administration
15 Hearing Division
16 1050 East William Street, Suite 400
17 Carson City, Nevada 89710

[VIA HAND DELIVERY]

18 Lee Davis, Esq.
19 Lewis Brisbois Disgaard & Smith, LLP
20 2500 W. Sahara Avenue, Suite 300
21 Las Vegas, 89102

[VIA EMAIL]

22 DATED this 28th day of March, 2016.

23 
24 Heather Price
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BEFORE THE APPEALS OFFICER

-oOo-

In the Matter of the
Contested Industrial
Insurance Claim of:

Claim No. E2C12430
Hearing No. 53765-SA
Appeal No. 54752-LLW

JASON BUMA,

Claimant.

=====

AUDIO-RECORDED INTERVIEW OF MICHAEL O'CALLAGHAN

June 30, 2015

Carmine, Texas

Transcribed By: PEGGY B. HOOGS, CCR #160

1 AUDIO-RECORDED INTERVIEW CONDUCTED BY STUART ZETTEL

2 MR. ZETTEL: This is Stuart Zettel,
3 investigator with ICS Maryland on behalf of Gallagher
4 Bassett Services, Inc.

5 Today's date is June 30, 2015. It's
6 approximately 11:24 a.m. This is in regards to a
7 workers' comp injury claim fatality accident that
8 occurred on March 29. Claim number is E2C12430.

9 I'm having a recorded conversation with
10 Mr. Michael O'Callaghan. He is an independent rep
11 with -- for Miller Heiman, and he was assigned to a
12 territory that Jason Buma managed.

13 Mr. -- and we are currently located at
14 Mr. O'Callaghan's residence at 3489 Hercules Road in
15 Carmine, Texas, 78932.

16 Mr. O'Callaghan, do you understand this
17 conversation is being recorded?

18 MR. O'CALLAGHAN: Yes.

19 MR. ZETTEL: And it's being recorded with
20 your permission?

21 MR. O'CALLAGHAN: Yes.

22 MR. ZETTEL: Could you please state your name
23 and spell your last name?

24 MR. O'CALLAGHAN: Michael O'Callaghan, last

1 name O-apostrophe-C-a-l-l-a-g-h-a-n.

2 MR. ZETTEL: Have you ever gone by any other
3 names?

4 MR. O'CALLAGHAN: No. Mickey is my nickname,
5 yeah.

6 MR. ZETTEL: And what is your current
7 address?

8 MR. O'CALLAGHAN: 3489 Hercules Road,
9 Carmine, Texas, 78932.

10 MR. ZETTEL: And your phone number?

11 MR. O'CALLAGHAN: 979-278-3550.

12 MR. ZETTEL: Is that a home?

13 MR. O'CALLAGHAN: It's a home.

14 MR. ZETTEL: And your cell?

15 MR. O'CALLAGHAN: 832-816-0846.

16 MR. ZETTEL: And your date of birth?

17 MR. O'CALLAGHAN: Is 3/18/58.

18 MR. ZETTEL: And your driver's license?

19 MR. O'CALLAGHAN: Texas driver's license
20 08151593. I'll get that right. No, sorry. It's
21 08151573.

22 MR. ZETTEL: Okay. Before we started you
23 allowed me to take your picture. You showed me your
24 driver's license as well.

1 MR. O'CALLAGHAN: Yes.

2 MR. ZETTEL: And how long have you lived here
3 at this residence?

4 MR. O'CALLAGHAN: Twenty-two months.

5 MR. ZETTEL: And the name of your employer?

6 MR. O'CALLAGHAN: Well, I'm self-employed,
7 basically. Axiom International, Inc. is my company.

8 MR. ZETTEL: How do you spell that?

9 MR. O'CALLAGHAN: A-x-i-o-m International,
10 Inc., but I've been an independent rep for Miller Heiman
11 for about 15 years.

12 MR. ZETTEL: Who do you report to over there?

13 MR. O'CALLAGHAN: Well, nobody, actually.

14 MR. ZETTEL: Okay. Who's your contact?

15 MR. O'CALLAGHAN: Yeah. My contacts -- well,
16 there would be a number of those, but sales
17 vice-presidents like Jason would be typical -- I work
18 with a couple of them. There's a guy in Dallas, Scott
19 Hartman; there's Kathy Zeiren in Reno, but --

20 MR. ZETTEL: So you work -- you said you work
21 with the VP of sales?

22 MR. O'CALLAGHAN: Yeah. That's -- 100
23 percent of my income, really, is derived from
24 Miller Heiman-related activities, and so I have lots of

1 contacts in the company.

2 If I didn't tell you I was an independent
3 rep, you would think I was a staff person, okay.

4 MR. ZETTEL: And what exactly -- what does
5 Miller Heiman do?

6 MR. O'CALLAGHAN: Miller Heiman is a sales
7 performance company. We have sales processes and
8 methodologies and tools that help organizations with
9 outside sales forces. We develop the sales force. We
10 put processes and tools in place that help them engage
11 their clients better, produce revenue, make more money.

12 MR. ZETTEL: You're aware of the incident
13 that I'm here talking to you about?

14 MR. O'CALLAGHAN: Yes.

15 MR. ZETTEL: And the date of when this
16 occurred?

17 MR. O'CALLAGHAN: March 29th.

18 MR. ZETTEL: Approximately what time of day?

19 MR. O'CALLAGHAN: 5 o'clock. 5 p.m.

20 MR. ZETTEL: And what day was that on?

21 MR. O'CALLAGHAN: That's a good question.

22 I'd have to check, actually, just to make sure. It's
23 been 90 days now. Let me just check back real quick.

24 I think it was -- it was a Sunday. That's

1 what I thought.

2 MR. ZETTEL: And this -- what is your
3 professional relationship with Mr. Buma?

4 MR. O'CALLAGHAN: Well, we -- we're -- we're
5 business partners, would be the best way to say this, on
6 the professional level. We would partner up and chase
7 opportunities, manage accounts, close deals, things like
8 that.

9 MR. ZETTEL: How long have you worked with
10 him?

11 MR. O'CALLAGHAN: Approximately three years.

12 MR. ZETTEL: And the reason that Mr. Buma was
13 here?

14 MR. O'CALLAGHAN: We had some meetings, two
15 or three days' worth of meetings in Houston with clients,
16 and we were attending a conference and pursuing business,
17 progressing some opportunities.

18 MR. ZETTEL: And what day did Mr. Buma fly
19 here to Texas?

20 MR. O'CALLAGHAN: On Sunday, the 29th.

21 MR. ZETTEL: What day were the meetings
22 supposed to start?

23 MR. O'CALLAGHAN: On the 30th.

24 MR. ZETTEL: And you said that was in

1 Houston?

2 MR. O'CALLAGHAN: Yes, they were in Houston.

3 MR. ZETTEL: Was there any kind of company
4 event here on that day, on the 29th?

5 MR. O'CALLAGHAN: There was no company event.
6 You mean here at the ranch?

7 MR. ZETTEL: Yes.

8 MR. O'CALLAGHAN: No. He was just staying
9 here. It was quite common for him to come and stay here
10 at the ranch, and then we would drive in and out for our
11 meetings. It gave us more time to strategize and plan,
12 things like that.

13 MR. ZETTEL: Had Mr. Buma stayed here -- been
14 here before?

15 MR. O'CALLAGHAN: Yes.

16 MR. ZETTEL: On how many -- how many --

17 MR. O'CALLAGHAN: A couple of times.

18 MR. ZETTEL: You mentioned -- how many acres
19 do you have here?

20 MR. O'CALLAGHAN: A little under 75, 74
21 something.

22 MR. ZETTEL: Besides your house, what else --
23 what else besides --

24 MR. O'CALLAGHAN: The barn is a guesthouse,

1 and there's another building which has -- it's a
2 barndominium, if you will, storage and a couple of
3 bedrooms.

4 MR. ZETTEL: Any lakes or water or anything?

5 MR. O'CALLAGHAN: A pond right out there, a
6 couple acres.

7 MR. ZETTEL: So what time did he come in --
8 what time did he get here, fly into town, that day?

9 MR. O'CALLAGHAN: I want to say about 3:30.

10 MR. ZETTEL: That's when he got here to the
11 ranch?

12 MR. O'CALLAGHAN: Yeah.

13 MR. ZETTEL: And then what happened?

14 MR. O'CALLAGHAN: Well, he showed up, we
15 visited for a little while, and then we were going to --
16 we had dinner reservations that evening down in Round
17 Top. He was going to take my wife and I out to dinner
18 like he normally did when he came in.

19 And he wanted to take a ride on the ATVs,
20 which he had also done previously, and so we decided to
21 take a quick ride on the ATVs before going to dinner.

22 MR. ZETTEL: So this was just -- just a
23 pleasure trip? It wasn't required for work purposes or
24 anything?

1 MR. O'CALLAGHAN: No.

2 MR. ZETTEL: Were you with him when this
3 happened?

4 MR. O'CALLAGHAN: You know, I was behind him
5 about 30 seconds.

6 MR. ZETTEL: So did you witness the incident?

7 MR. O'CALLAGHAN: No, I did not.

8 MR. ZETTEL: Was there anybody else with him
9 or was he by himself?

10 MR. O'CALLAGHAN: No. He was by himself.

11 MR. ZETTEL: Sorry to ask you this, but when
12 you came upon him, what did you see?

13 MR. O'CALLAGHAN: Well, he was lying in the
14 road, and the ATV was upright, and it was still running.

15 MR. ZETTEL: Meaning -- "upright" meaning
16 like as if he was riding it?

17 MR. O'CALLAGHAN: It was upright but facing
18 the wrong direction, and the damage to it indicated that
19 it had likely rolled, but I didn't see that happen, and
20 he's lying in the middle of the road in a pool of blood.

21 MR. ZETTEL: And I know we're going to go see
22 the road in a second.

23 Was it a dirt road or a gravel road or like
24 the rocks that you have coming in on your driveway?

1 MR. O'CALLAGHAN: It's the county road you
2 came in on. It's outside of the ranch.
3 MR. ZETTEL: Okay. So it was --
4 MR. O'CALLAGHAN: It's Hercules Road.
5 Caliche, I guess you'd call it.
6 MR. ZETTEL: I'm sorry?
7 MR. O'CALLAGHAN: A caliche road. I'm not
8 sure how to spell that, actually.
9 MR. ZETTEL: That's the name of the road
10 or that's --
11 MR. O'CALLAGHAN: No. That's the type of
12 road. It's a type of rock or aggregate that they put
13 down.
14 MR. ZETTEL: So when you got -- when you came
15 upon him, you saw him laying on the ground?
16 MR. O'CALLAGHAN: Yes.
17 MR. ZETTEL: What did you do at that point?
18 MR. O'CALLAGHAN: Well, I called 911. I
19 mean, you know --
20 MR. ZETTEL: Did you go check on him first?
21 MR. O'CALLAGHAN: Yes, I checked on him. He
22 was unconscious, still breathing.
23 I get on the phone, call 911, got the
24 emergency medical services personnel on the phone, on the

1 cell phone, and then attempted to resuscitate him and
2 administered CPR until the EMS folks arrived, which was
3 within ten minutes.

4 MR. ZETTEL: Okay.

5 MR. O'CALLAGHAN: It appeared to me that he
6 had stopped, that his heart had stopped at that point and
7 he had died.

8 MR. ZETTEL: Before the EMS arrived?

9 MR. O'CALLAGHAN: Yes. Yeah. So I was doing
10 CPR at their instruction, and the EMS folks took over.

11 MR. ZETTEL: What happened after that?

12 MR. O'CALLAGHAN: Well, the ambulance shows
13 up, and then the justice of the peace/state trooper
14 arrives. We had quite a sum, and they worked on him for
15 a while, and then --

16 MR. ZETTEL: You mean still trying to --

17 MR. O'CALLAGHAN: Yeah. You know, determined
18 Life Flight was too far away. There wasn't going to
19 be -- they wouldn't get here in time. He was pronounced
20 dead on the scene after some period of time.

21 MR. ZETTEL: Besides yourself, was there
22 anybody -- besides you -- Jason and yourself out there,
23 before any of this, was there anybody else out there?

24 MR. O'CALLAGHAN: A neighboring rancher

1 walked up the road and saw what was going on, Mr. Gwyn,
2 G-w-y-n.

3 MR. ZETTEL: He's your neighbor that lives --
4 the only other person that lives on the street?

5 MR. O'CALLAGHAN: Yeah. He's really the only
6 other rancher that lives out here, on this road.

7 MR. ZETTEL: What address is he at?

8 MR. O'CALLAGHAN: I think it's 3500 Hercules
9 Road. Calling it a street is a little optimistic.

10 MR. ZETTEL: Did he -- he came -- when did he
11 come upon -- when did he come up there? I know it's
12 hard --

13 MR. O'CALLAGHAN: When he heard the sirens,
14 actually, when he heard the sirens from the -- from the
15 ambulance.

16 So there was an EMS woman about two miles
17 away. She was visiting with her parents. They live a
18 couple miles away. She heard the call and jumped in her
19 truck, so she was with me within ten minutes. The
20 ambulance was another ten minutes. It takes about 20
21 minutes to get out here from Brenham. So it was at about
22 that 20-minute point where I think Ken -- Mr. Gwyn heard
23 what was going on and came out.

24 MR. ZETTEL: Anything else happen?

1 MR. O'CALLAGHAN: No. I mean, it was all
2 process and protocol after that, police reports, trooper.
3 The justice of the peace had to come out, so it was
4 probably a couple hours in processing everything, and the
5 funeral home directors come out and remove the body.

6 MR. ZETTEL: How was his family notified?

7 MR. O'CALLAGHAN: Actually, I contacted some
8 colleagues, and they went to the house. Two of my
9 colleagues went to the house and notified his wife.

10 MR. ZETTEL: And he lives -- he lived in
11 Las Vegas?

12 MR. O'CALLAGHAN: Yeah. Reno, Nevada.

13 MR. ZETTEL: I'm sorry. Reno?

14 MR. O'CALLAGHAN: Yeah.

15 MR. ZETTEL: Had he been -- had he been
16 drinking or anything?

17 MR. O'CALLAGHAN: You know, not that I'm
18 aware of. Not that I saw. We had one glass of wine, one
19 glass of red wine as we visited -- sat around right here
20 where you're sitting before we went out.

21 MR. ZETTEL: So you're not even aware if he
22 had anything on the plane on the way over here or
23 anything like that?

24 MR. O'CALLAGHAN: No.

1 MR. ZETTEL: Do you know him to drink on the
2 plane, if he's on the plane?

3 MR. O'CALLAGHAN: You know, we would -- no, I
4 don't, actually. I've never seen him do that.

5 MR. ZETTEL: How long had you all been riding
6 when the accident occurred?

7 MR. O'CALLAGHAN: Oh, I guess 20 minutes.

8 MR. ZETTEL: What kind of ATV was it?

9 MR. O'CALLAGHAN: It's a Polaris 500
10 Sportsman.

11 MR. ZETTEL: What year?

12 MR. O'CALLAGHAN: 2011.

13 MR. ZETTEL: Were you the owner of that ATV?

14 MR. O'CALLAGHAN: I am.

15 MR. ZETTEL: Were you riding -- were you
16 riding the same -- were you riding the same --

17 MR. O'CALLAGHAN: No. I had another one. I
18 was following him. I was on another one.

19 MR. ZETTEL: Okay. What kind were you
20 riding?

21 MR. O'CALLAGHAN: I have a Yamaha. It's a
22 350. Kodiak is what I was looking for.

23 MR. ZETTEL: Kodiak?

24 MR. O'CALLAGHAN: Kodiak, K-o-d-i-a-k. 2001,

1 I believe.

2 MR. ZETTEL: And did you give a statement to
3 the police?

4 MR. O'CALLAGHAN: Yes.

5 MR. ZETTEL: Have you spoken to anybody at
6 the insurance company?

7 MR. O'CALLAGHAN: No.

8 MR. ZETTEL: Have you spoken to his wife
9 since the accident?

10 MR. O'CALLAGHAN: A couple times, yeah, just
11 to see how they were doing.

12 MR. ZETTEL: Anything else that you can think
13 of that's important that I haven't asked you?

14 MR. O'CALLAGHAN: Really, nothing else comes
15 to mind.

16 MR. ZETTEL: So it was just -- you all were
17 just riding --

18 MR. O'CALLAGHAN: We were riding. He liked
19 to -- we rode around the ranch -- there's some trails out
20 here -- and then he wanted to ride to the end of Hercules
21 Road and back, and we were going to go to dinner.

22 MR. ZETTEL: How far down does it go?

23 MR. O'CALLAGHAN: It's a mile and a half or
24 so, you know, a mile. It's probably not any farther than

1 that.

2 MR. ZETTEL: Does it dead-end?

3 MR. O'CALLAGHAN: Yes, it does, it dead-ends.
4 Nobody else lives on the road. Traffic's pretty rare.

5 MR. ZETTEL: This is a copy of the accident
6 report.

7 MR. O'CALLAGHAN: Okay.

8 MR. ZETTEL: (Inaudible.)

9 MR. O'CALLAGHAN: That's it, yeah. Yeah.

10 MR. ZETTEL: He was going around the curve
11 or --

12 MR. O'CALLAGHAN: Yeah, he was going around
13 the curve.

14 MR. ZETTEL: Okay.

15 MR. O'CALLAGHAN: I'll show you the curve
16 where it happened.

17 MR. ZETTEL: Did you understand this
18 conversation was recorded?

19 MR. O'CALLAGHAN: Yes.

20 MR. ZETTEL: Was it recorded with your
21 permission?

22 MR. O'CALLAGHAN: Yes.

23 MR. ZETTEL: Could you please state your name
24 and spell your last name.

1 MR. O'CALLAGHAN: Michael O'Callaghan,
2 O-apostrophe-C-a-l-l-a-g-h-a-n.

3 MR. ZETTEL: This concludes this recorded
4 conversation with Mr. Michael O'Callaghan. This is in
5 regards to Claim No. E2C12430 in regards to a fatality
6 accident that occurred on March 29, 2015.

7 Today's date is June 30, 2015. It's
8 approximately 11:46 a.m. we are currently located in
9 Mr. O'Callaghan's residence at 3489 Hercules Road in
10 Carmine, Texas, 78932.

11 (Interview concluded.)
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1 STATE OF NEVADA)
2) ss.
COUNTY OF WASHOE)

3 I, PEGGY B. HOOGS, Certified Court Reporter
4 in and for the State of Nevada, do hereby certify:

5 That the foregoing transcript was prepared
6 from an audio recording of an interview for which I was
7 not present; that the interview was reported
8 stenographically by me from the audio recording and
9 thereafter transcribed via computer under my supervision;
10 that the foregoing is a full, true and correct
11 transcription of the audio-recorded interview to the best
12 of my knowledge, skill and ability.

13 I further certify that I am not a relative
14 nor an employee of any attorney or any of the parties,
15 nor am I financially or otherwise interested in this
16 action.

17 I declare under penalty of perjury under the
18 laws of the State of Nevada that the foregoing statements
19 are true and correct.

20 Dated this 20th day of January, 2016.

21
22 -----
Peggy B. Hoogs

23
24



Washington City - Texas

Patient Care Record

Name: BUMA, JASON

Incident #: 2015-00001672

Date: 03/29/2015

Patient 1 of 1

Patient Information				Clinical Impression											
Last	BUMA	Address	1951 Rollingbrook	Primary Impression	Traumatic Circulatory Arrest										
First	JASON	Address 2		Secondary Impression											
Middle		City	Reno	Protocol Used											
Gender	Male	State	NV	Anatomic Position											
DOB	05/21/1968	Zip	89519	Chief Complaint	Trauma										
Age	46 Yrs, 10 Months, 8 Days	Country	UNITED STATES	Duration	18	Units	Minutes								
Weight	200lbs - 91kg	Tel		Secondary Complaint											
Ped Color		Physician		Duration		Units									
SSN		Ethnicity	Not Hispanic or Latino	Patient's Level of Distress											
Race	White			Signs & Symptoms	Obvious Death - Severe Traumatic Injuries										
Advanced Directive				Injury	Motorized Vehicle Accident - All - Terrain Vehicle - Street or Highway - 03/29/2015										
Resident Status	Non-Resident			Medical/Trauma	Trauma										
				Barriers of Care	Unconscious										
				Alcohol/Drugs	Unknown										
Medication/Allergies/History															
Medications	Unknown														
Allergies	Unknown														
History	Unknown														
Vital Signs															
Time	AVPU	Side	POS	BP	Pulse	RR	SPO2	ET/CO2	CO	BQ	Temp	Pain	GCS(E+V+M)/Qualifier	RTS	PTS
18:10	U		Lay	/									3=1+1+1/NQ		

SUSPENDED

JUN 01 2015



Washington City - Texas

Patient Care Record

Name: BUMA, JASON

Incident #: 2015-00001672

Date: 03/29/2015

Patient 1 of 1

Initial Assessment			
Category	Comments	Abnormalities	
Mental Status		Mental Status	Not Assessed
Skin		Skin	Not Assessed
HEENT		Head/Face	Not Assessed
		Eyes	Not Assessed
		Neck	Not Assessed
Chest		Chest	Not Assessed
		Heart Sounds	Not Assessed
		Lung Sounds	Not Assessed
Abdomen		General	Not Assessed
		Left Upper	Not Assessed
		Right Upper	Not Assessed
		Left Lower	Not Assessed
Back		Right Lower	Not Assessed
		Cervical	Not Assessed
		Thoracic	Not Assessed
		Lumbar/Sacral	Not Assessed
Pelvis/GU/GI		Pelvis/GU/GI	Not Assessed
Extremities		Left Arm	Not Assessed
		Right Arm	Not Assessed
		Left Leg	Not Assessed
		Right Leg	Not Assessed
		Pulse	Not Assessed
		Capillary Refill	Not Assessed
Neurological		Neurological	Not Assessed

Assessment Time:

Narrative

Washington County EMS was dispatched to 3489 Hercules Rd., Carmine for a 46 y/o M who was involved in an ATV accident. The pt. was not breathing and had no pulse. CPR instructions were given to bystander while we were enroute. ATV had rolled over the pt. Medic-2, S1, and S2 responded without delay, code 3. Upon our arrival, pt. contact was made. Pulse was checked and CPR was taken over by EMT-B Stump. Pt. was unconscious, not breathing and without pulse, A&Ox0. Pt. had a large amount of blood coming from his left ear, left eye socket, and the back of his head. Pt. had lost approximately 1L of blood. Upon palpation of the back of the pt.'s skull, there was significant crepitus and multiple skull fractures could be felt. CPR was continued. Pads were placed on the pt. EKG was performed and showed asystole in leads II and III. With each compression performed, blood would pulse out of his eye socket and ear. Medical Director Dr. Loesch was contacted and pt. condition was described. Request was made to discontinue resuscitation efforts. Dr. Loesch concurred. Resuscitation efforts were discontinued. Law enforcement was on scene and contacted JP. Two strips were printed, signed, and dated, noting asystole. One strip was given to law enforcement and the other to the JP. Medic-2 was released by law enforcement. S1 back in service.

Specialty Patient - Motor Vehicle Collision

Patient Injured	Yes	Law Enforcement Case #	
Vehicle Type	All - Terrain Vehicle	Collision Indicators	Ejection, Roll Over
Position in Vehicle	Driver	Damage Location	Roll Over
Seat Row	1	Airbag Deployment	No Air Bag(s) Present
Weather	Clear	Safety Devices	None
Extrication Required	No	Extrication Comments	
Estimated Speed		Extrication Time	

Sneyd, TWD

JUN 01 2015



Washington City - Texas

Patient Care Record

Name: BUMA, JASON

Incident #: 2016-00001672

Date: 03/29/2015

Patient 1 of 1

Specialty Patient - Trauma Criteria			
Anatomic	Open Skull Fracture	Trauma Activation	NO
Physiologic	GCS <= 13, RR < 10 or > 29, SBP < 90	Time	
Mechanical	Ejection, Motorcycle/ATV > 20 mph, Roll Over	Date	
Other Conditions	Provider Suspicion	Trauma Level	
		Reason Not Activated	
Incident Details		Destination Details	
Location		Disposition	Dead on Scene, No Transport
Address	3489 HERCULES RD	Transport Due To	
Address 2		Transported To	
City	Carmine	Requested By	Bystander
State	TX	Destination	
Zip	78932	Address	
Medic Unit	S1	Address 2	
Run Type	911 Response (Emergency)	City	
Priority Score	Lights/Sirens	State	
Shift	C - Shift	Zip	
Zone	Station 2	Zone	
Level of Service		Condition at Destination	
EMD Complaint	Traffic Accident	Destination Record #	
EMD Card Number	29-D-02k	Trauma Registry ID	
Incident Times			
		PSAP Call	17:48:51
		Dispatch Notified	17:48:51
		Call Received	17:48:51
		Dispatched	17:48:46
		En Route	17:50:18
		Resp on Scene	
		On Scene	18:10:47
		At Patient	18:10:52
		Depart Scene	
		At Destination	
		Pt. Transferred	
		Call Closed	19:27:08
		In District	
Crew Members			
Personnel	Role	Certification Level	
PODESZWA, KATHERINE	Lead	EMT-Paramedic (Texas) -701447;	
STUMP, GREG	Driver	EMT-Basic (Texas) -731361;	
CROW, GENE	Other	EMT-Paramedic (Texas) -709059;	
WILLIAMS, JONATHAN	Other	EMT-Paramedic (Texas) -719864;	
Insurance Details			
Insured's Name	Primary Payer	Dispatch Nature	
Relationship To Patient	Medicare	Response Urgency	
Insured SSN	Medicaid	Job Related Injury	
Insured DOB	Primary Insurance	Employer	
Address 1	Policy #	Contact	
Address 2	Group #	Phone	
Address 3	Secondary Ins		
City	Policy #		
State	Group #		
Zip			
Country	UNITED STATES		
Mileage		Delays	Additional Agencies
Scene		Category	
Destination		Delays	
Loaded Miles	0.0		
Start			
End			
Total Miles	0.0		
Next of Kin			
Next of Kin Name	Address 1	City	
Relationship to Patient	Address 2	State	
Phone	Address 3	Zip	
		Country	UNITED STATES
Transfer Details			
PAN		Sending Physician	
PCS		Sending Record #	
ABN		Receiving Physician	
CMS Service Level		Condition Code	
ICD-9 Code		Condition Code Modifier	
Transfer Reason			
Other/Services			
Medical Necessity			

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JUN 01 2015

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Location: 3489 HERCULES RD CARMINE, TX 78932, Carmine Dispatch Time: 03/29/2015 17:49:42
Additnl Loc Info: Arrive Time: 03/29/2015 17:56:49
Common Name: Clear Date/Time:
Phone: (832)816-0846 Nature Of Call: Created By: Deborah Taylor
Call Type: TRANSPORTATION INCIDENT Report Required: No Canceled: No
Status: JUST OCCURRED Priority: IMM LIFE THREAT Source: 911
Police ORI: TX2390000 EMS ORI: 239006 Fire ORI: XG303

Person Information

Name	Person Type	Address	Phone	Race	Sex	DOB	Age	SSN
BUMA, JASON ROGER	VICTIM	1951 ROLLING BROOKS LN RENO, NV		UNKNOWN	MALE	05/21/1968	46	
OCALLAGHAN, MICHAEL JOSEPH	COMPLAINANT	3489 HERCULES RD CARMINE, TX 78932, Carmine	(832)816-0846	WHITE	MALE	03/18/1958	57	

Vehicle Information

Vehicle Type: RECREATIONAL Make: POLARIS Model: Year: 2010
Style: FOUR WHEELER ATV VIN: 4XAMH50A0AA012281 Condition: Color: UNKNOWN
Plate Type: ALL-TERRAIN VEHICLE Plate: Plate State: TX Reg. Year:
Description: CRAIG GORDY 14240 HARTSTACK RD CARMINE TX 78932

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
03/29/2015 17:48:51	Deborah Taylor	E911 Info - Special Response Info: 0.189260 S=000 D=000 WIRELESS CALLER VERI
03/29/2015 17:49:47	Jonathan Williams - jwilliams	Dispatch received by unit M2
03/29/2015 17:49:49	Katherine Podeszwa - kpodeszwa	Dispatch received by unit S1
03/29/2015 17:49:50	Deborah Taylor	LAYING IN ROADWAY
03/29/2015 17:50:00	Deborah Taylor	HEAD INJURIES
03/29/2015 17:50:04	Deborah Taylor	BLEEDING FROM BACK OF HEAD AND OUT OF MOUTH
03/29/2015 17:51:01	Deborah Taylor	ProQA Medical Dispatch Message Sent; Dispatch Code: 29-D-02k
03/29/2015 17:51:01	Deborah Taylor	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:01	Deborah Taylor	45 year old, Male, Unconscious, Breathing. Traffic / Transportation incidents. HIGH MECHANISM (k through s). Caller Statement: VEH FLEW OFF ATV. 1.The incident involves an all-terrain vehicle or snowmobile.
03/29/2015 17:51:08	Deborah Taylor	PATIENT IS GASPING
03/29/2015 17:51:42	Deborah Taylor	2.Chemicals or other hazards are not involved. 3.There is no one pinned. 4.Everyone is not completely awake (alert). 5.His injuries are described as other than to a NOT DANGEROUS area. 6.There is SERIOUS bleeding.
03/29/2015 17:51:42	Deborah Taylor	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;

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JUN 01 2015

Detail Call For Service Report

LogIn ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Narrative, Questionnaire Responses, TDD Text

Create Time	Created By	Narrative
03/29/2015 17:51:42	Deborah Taylor	ProQA Medical Key Questions have been completed; Dispatch Code: 29-D-02k
03/29/2015 17:52:01	Gene Crow - gcrow	Dispatch received by unit S2
03/29/2015 17:52:34	Deborah Taylor	DEAD END OF HERCULES RD
03/29/2015 17:53:21	Deborah Taylor	LYING IN POOL OF BLOOD
03/29/2015 17:53:24	Deborah Taylor	STILL GASPING
03/29/2015 17:53:39	Deborah Taylor	PAT JASON BUMA
03/29/2015 17:53:59	Deborah Taylor	CALLER WAS BEHIND PATIENT ON ATV AND HE FLEW OVER HANDLEBARS
03/29/2015 17:54:58	Jerod Hartfield	STARTING CPR INSTRUCTIONS
03/29/2015 17:56:52	Deborah Taylor	MAJOR HEAD TRAUMA
03/29/2015 17:56:55	Deborah Taylor	LARGE BLOOD LOSS
03/29/2015 17:57:01	Deborah Taylor	355 ON SCENE
03/29/2015 17:57:52	Deborah Taylor	WILL HAVE TO TURN DOWN HERCULES RD.. 355 ON SCENE WITH HAZARDS ON
03/29/2015 17:59:25	Jerod Hartfield	LAUNCHING PHI
03/29/2015 17:59:34	Jerod Hartfield	MED 12 OUT OF BRYAN
03/29/2015 17:59:40	Deborah Taylor	45 year old, Male, Unconscious, Breathing.
03/29/2015 17:59:40	Deborah Taylor	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:59:40	Deborah Taylor	ProQA Medical Questionnaire Completed; Dispatch Code: 29-D-02k
03/29/2015 17:59:51	Jerod Hartfield	ETA 22 MIN
03/29/2015 18:00:21	Deborah Taylor	CALLERS WIFE 979-278-3550 REQUESTING TO CALL HER.. NO ANSWER
03/29/2015 18:01:56	Deborah Taylor	MASSIVE HEAD INJURY WITH A LOT OF BLOOD LOSS.. UNCONSCIOUS
03/29/2015 18:02:26	Sarah Baker	PHI WILL BE LANDING AT BURTON FOOTBALL FIELD
03/29/2015 18:03:14	Deborah Taylor	45 YOA MALE UNCONSCIOUS.. NO PULSE
03/29/2015 18:03:29	Deborah Taylor	WILL NEED LIFELIGHT
03/29/2015 18:04:53	Fay Janes	Dispatch received by unit 7121
03/29/2015 18:06:11	Jerod Hartfield	ATTEMPTED NOTIFY EMS1, NO ANSWER LEFT MESSAGE
03/29/2015 18:09:16	Deborah Taylor	355 DISCONNECTED CALL WHEN EMS ARRIVED
03/29/2015 18:13:44	Jerod Hartfield	14 MIN OUT TO BURTON FOOTBALL FIELD
03/29/2015 18:14:20	Deborah Taylor	M2 ON SCENE 18:09
03/29/2015 18:16:15	Jerod Hartfield	CANCEL PHI
03/29/2015 18:16:38	Jerod Hartfield	PHI CLEAR ON TRAFFIC
03/29/2015 18:16:45	Jerod Hartfield	ONE DOA
03/29/2015 18:44:40	Deborah Taylor	S/N EH600PLE13A8517 POLARIS
03/29/2015 19:04:58	Janelra Moore	BRENHAM MEMORIAL CHAPEL ENRT
03/29/2015 19:05:16	Janelra Moore	WILL CALL BACK WITH A BETTER ETA WHEN THEY ARE ENRT
03/29/2015 19:06:04	Amber Coward	POLARIS ATV S/N EH600PLE13A8517 VIN 4XANH50A0AA012281
03/29/2015 19:32:22	Catherine Cordelro	EMS REPORT SENT 1932

3/29/2015

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Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer: All		Areas:	All		

CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001872
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Associated Areas

Area Type Code	Description
Quadrant	Burton FD Quad 1 (503)
Station	
Beat	SO Beat 4
District	EMS District 2
Police ORI	TX2390000
EMS ORI	239008
Fire ORI	XG303

Incident Number(s)

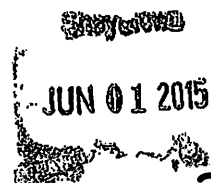
Incident Number	ORI Number	Primary Unit	Department Name	Agency Type
2015-00000013	TX2390800	No	Washington County Precinct 4	Police
2015-00000227	TX2390700	No	Burton Police Department	Police
2015-00000235	TX239043J	No	Washington County Precinct 2	Police
2015-00000253	TXDPS8100	No	Texas Highway Patrol	Police
2015-00001872	239008	Yes	Washington County Emergency Medical Services	EMS
2015-00006037	TX2390000	No	Washington County Sheriff's Office	Police

Unit(a)

Unit	Primary Unit	Radio Number	Personnel
S2	No	S2	
7121	No	7121	33 Janes
S1	No	S1	
2731	No	2731	9158 Reaves
350	No	350	
JP4	No	JP4	JP2 Kendall
JP2	No	JP2	JP1 Cone
355	No	355	FR01 Caples
M2	Yes	M2	
410	No	410	BPD1 Rolling

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:48:51	Deborah Taylor	Call Created	New call created. Call Type: NEW CALL, Location: 12890 COUNTY ROAD 408, Phone Number: (832)816-0846, Name: AT&T MOBILITY
03/29/2015 17:48:51	Deborah Taylor	Narrative Added	E911 Info - Special Response Info: 0.189260 S=000 D=000 WIRELESS CALLER VERI
03/29/2015 17:48:51	Deborah Taylor	Person Added	Name: AT&T MOBILITY
03/29/2015 17:49:11	Deborah Taylor	Location	Location: 3489 HERCULES RD, Venue: <No Venue>
03/29/2015 17:49:12	Deborah Taylor	Location	Location: 3489 HERCULES RD, Venue: Carmine
03/29/2015 17:49:12	Deborah Taylor	Reset Alarm Level	Fire Alarm Level Reset EMS Alarm Level Reset
03/29/2015 17:49:21	Deborah Taylor	Call Type	NewCallType: TRANSPORTATION INCIDENT, Status: JUST OCCURRED, Priority: IMM LIFE THREAT


 JUN 01 2015

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:48:42	Jerod Hartfield	Incident Created	Added Incident Number, ORI: 239006 , Number: 2015-00001672
03/29/2015 17:49:42	Jerod Hartfield	Unit Status Action	Unit M2 DISPATCHED
03/29/2015 17:49:46	Sarah Baker	Person Updated	Name: AT&T MOBILITY,,, Location: 12860 COUNTY ROAD 408, Venue: <No Venue>, Contact Phone: (832)816-0846
03/29/2015 17:49:46	Jerod Hartfield	Unit Status Action	Unit S1 DISPATCHED
03/29/2015 17:49:47	Jonathan Williams - jwilliams	Narrative Added	Dispatch received by unit M2
03/29/2015 17:49:49	Jerod Hartfield	Unit Status Action	Unit 360 DISPATCHED
03/29/2015 17:49:49	Katherine Podeszwa - kpodeszwa	Narrative Added	Dispatch received by unit S1
03/29/2015 17:49:50	Deborah Taylor	Narrative Added	LAYING IN ROADWAY
03/29/2015 17:50:00	Deborah Taylor	Narrative Added	HEAD INJURIES
03/29/2015 17:50:04	Deborah Taylor	Narrative Added	BLEEDING FROM BACK OF HEAD AND OUT OF MOUTH
03/29/2015 17:50:14	Jerod Hartfield	Unit Status Action	Unit M2 ENROUTE
03/29/2015 17:50:18	Jerod Hartfield	Unit Status Action	Unit S1 ENROUTE
03/29/2015 17:50:50	Sarah Baker	Incident Created	Added Incident Number, ORI: TX2390700, Number: 2015-00000227
03/29/2015 17:50:50	Sarah Baker	Unit Status Action	Unit 410 ENROUTE
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	ProQA Medical Dispatch Message Sent; Dispatch Code: 29-D-02k
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:01	Deborah Taylor	Narrative Added	45 year old, Male, Unconscious, Breathing. Traffic / Transportation Incidents. HIGH MECHANISM (k through s). Caller Statement: VEH FLEW OFF ATV. 1.The Incident Involves an all-terrain vehicle or s ...
03/29/2015 17:51:08	Deborah Taylor	Narrative Added	PATIENT IS GASPING
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	2.Chemicals or other hazards are not involved. 3.There is no one pinned. 4.Everyone is not completely awake (alert). 5.His injuries are described as other than to a NOT DANGEROUS area. 6.There is ...
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:51:42	Deborah Taylor	Narrative Added	ProQA Medical Key Questions have been completed; Dispatch Code: 29-D-02k
03/29/2015 17:51:58	Jerod Hartfield	Unit Status Action	Unit S2 DISPATCHED
03/29/2015 17:52:01	Gene Crow - gcrow	Narrative Added	Dispatch received by unit S2
03/29/2015 17:52:04	Jerod Hartfield	Unit Status Action	Unit S2 ENROUTE
03/29/2015 17:52:34	Deborah Taylor	Narrative Added	DEAD END OF HERCULES RD
03/29/2015 17:53:10	Jerod Hartfield	Incident Created	Added Incident Number, ORI: TXDPS8100, Number: 2015-00000253
03/29/2015 17:53:10	Jerod Hartfield	Unit Status Action	Unit 2731 ENROUTE
03/29/2015 17:53:21	Deborah Taylor	Narrative Added	LYING IN POOL OF BLOOD
03/29/2015 17:53:24	Deborah Taylor	Narrative Added	STILL GASPING
03/29/2015 17:53:39	Deborah Taylor	Narrative Added	PAT JASON BUMA
03/29/2015 17:53:59	Deborah Taylor	Narrative Added	CALLER WAS BEHIND PATIENT ON ATV AND HE FLEW OVER HANDLEBARS

3/29/2015

JUN 01 2015

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Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8843	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8843	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Areas:	All		

CFS Number:	8843	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672
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Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 17:54:58	Jerod Hartfield	Narrative Added	STARTING CPR INSTRUCTIONS
03/29/2015 17:55:49	Jerod Hartfield	Incident Created	Added Incident Number, ORI: TX2380000, Number: 2015-00005037
03/29/2015 17:55:49	Jerod Hartfield	Unit Status Action	Unit 7121 ENROUTE
03/29/2015 17:56:46	Deborah Taylor	Unit Status Action	Unit 355 DISPATCHED
03/29/2015 17:56:49	Deborah Taylor	Unit Status Action	Unit 355 AT SCENE
03/29/2015 17:56:52	Deborah Taylor	Narrative Added	MAJOR HEAD TRAUMA
03/29/2015 17:56:55	Deborah Taylor	Narrative Added	LARGE BLOOD LOSS
03/29/2015 17:57:01	Deborah Taylor	Narrative Added	355 ON SCENE
03/29/2015 17:57:52	Deborah Taylor	Narrative Added	WILL HAVE TO TURN DOWN HERCULES RD.. 355 ON SCENE WITH HAZARDS ON
03/29/2015 17:59:25	Jerod Hartfield	Narrative Added	LAUNCHING PHI
03/29/2015 17:59:34	Jerod Hartfield	Narrative Added	MED 12 OUT OF BRYAN
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	45 year old, Male, Unconscious, Breathing.
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	Problem: VEH FLEW OFF ATV. Patient Info: 1 patient(s); 45 Years old; Male; Conscious: No; Breathing: Yes;
03/29/2015 17:59:40	Deborah Taylor	Narrative Added	ProQA Medical Questionnaire Completed; Dispatch Code: 29-D-02k
03/29/2015 17:59:43	Sarah Baker	Unit Status Action	Unit 410 AT SCENE
03/29/2015 17:59:51	Jerod Hartfield	Narrative Added	ETA 22 MIN
03/29/2015 18:00:21	Deborah Taylor	Narrative Added	CALLERS WIFE 979-278-3550 REQUESTING TO CALL HER.. NO ANSWER
03/29/2015 18:01:56	Deborah Taylor	Narrative Added	MASSIVE HEAD INJURY WITH A LOT OF BLOOD LOSS.. UNCONSCIOUS
03/29/2015 18:02:28	Sarah Baker	Narrative Added	PHI WILL BE LANDING AT BURTON FOOTBALL FIELD
03/29/2015 18:03:12		Unit Timer Expired	Unit 2731;ENROUTE
03/29/2015 18:03:14	Deborah Taylor	Narrative Added	45 YOA MALE UNCONSCIOUS.. NO PULSE
03/29/2015 18:03:29	Deborah Taylor	Narrative Added	WILL NEED LIFELIGHT
03/29/2015 18:04:53	Fay Jones	Narrative Added	Dispatch received by unit 7121
03/29/2015 18:06:11	Jerod Hartfield	Narrative Added	ATTEMPTED NOTIFY EMS1, NO ANSWER LEFT MESSAGE
03/29/2015 18:09:15	Deborah Taylor	Narrative Added	355 DISCONNECTED CALL WHEN EMS ARRIVED
03/29/2015 18:09:33	Jerod Hartfield	Unit Status Action	Unit S2 AT SCENE
03/29/2015 18:10:10	Deborah Taylor	Person Updated	Name: O'CALLAHAN,MICHAEL., Location: 12890 COUNTY ROAD 408, Contact Phone: (832)816-0846
03/29/2015 18:10:47	Jerod Hartfield	Unit Status Action	Unit S1 AT SCENE
03/29/2015 18:10:52	Jerod Hartfield	Unit Status Action	Unit S1 PATIENT CONTACT
03/29/2015 18:10:56	Jerod Hartfield	Unit Status Action	Unit S1 CRITICAL
03/29/2015 18:13:01	Deborah Taylor	Unit Status Action	Unit 7121 AT SCENE
03/29/2015 18:13:28	Deborah Taylor	Unit Status Action	Unit M2 AT SCENE
03/29/2015 18:13:44	Jerod Hartfield	Narrative Added	14 MIN OUT TO BURTON FOOTBALL FIELD
03/29/2015 18:14:20	Deborah Taylor	Narrative Added	M2 ON SCENE 18:09
03/29/2015 18:16:15	Jerod Hartfield	Narrative Added	CANCEL PHI

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JUN 01 2015

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Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Areas:	All		

CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672
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Call Log

Log Date/Time	Entered By	Action	Description
03/29/2015 18:16:38	Jerod Hartfield	Narrative Added	PHI CLEAR ON TRAFFIC
03/29/2015 18:16:45	Jerod Hartfield	Narrative Added	ONE DOA
03/29/2015 18:26:57	Deborah Taylor	Unit Status Action	Unit 2731 AT SCENE
03/29/2015 18:28:31	Sarah Baker	Unit Status Action	Unit M2 cleared from call
03/29/2015 18:29:17	Gene Crow - gcrow	Unit Status Action	Unit S2 cleared from call
03/29/2015 18:36:35	Deborah Taylor	Incident Created	Added Incident Number, ORI: TX2390600, Number: 2015-00000013
03/29/2015 18:36:35	Deborah Taylor	Unit Status Action	Unit JP4 DISPATCHED
03/29/2015 18:37:27	Deborah Taylor	Unit Status Action	Unit JP4 cleared from call
03/29/2015 18:42:07	Deborah Taylor	Incident Created	Added Incident Number, ORI: TX239043J, Number: 2015-00000235
03/29/2015 18:42:07	Deborah Taylor	Unit Status Action	Unit JP2 DISPATCHED
03/29/2015 18:42:09	Deborah Taylor	Unit Status Action	Unit JP2 ENROUTE
03/29/2015 18:44:40	Deborah Taylor	Narrative Added	S/N EH500PLE13A8517 POLARIS
03/29/2015 18:52:09		Unit Timer Expired	Unit JP2;ENROUTE
03/29/2015 19:00:26	Janetra Moore	Unit Status Action	Unit 7121 CODE 4
03/29/2015 19:00:30	Janetra Moore	Unit Status Action	Unit 410 CODE 4
03/29/2015 19:00:40	Janetra Moore	Unit Status Action	Unit 2731 CODE 4
03/29/2015 19:04:44	Janetra Moore	Service Vehicle Rotation	BRENNHAM MEMORIAL CHAPEL: Select
03/29/2015 19:04:58	Janetra Moore	Narrative Added	BRENNHAM MEMORIAL CHAPEL ENRT
03/29/2015 19:05:16	Janetra Moore	Narrative Added	WILL CALL BACK WITH A BETTER ETA WHEN THEY ARE ENRT
03/29/2015 19:06:04	Amber Coward	Narrative Added	POLARIS ATV S/N EH500PLE13A8517 VIN 4XANH50A0AA012281
03/29/2015 19:10:25		Unit Timer Expired	Unit 7121;CODE 4
03/29/2015 19:10:30		Unit Timer Expired	Unit 410;CODE 4
03/29/2015 19:10:40		Unit Timer Expired	Unit 2731;CODE 4
03/29/2015 19:23:41	Janetra Moore	Unit Status Action	Unit S1 RADIO CONTACT
03/29/2015 19:23:44	Janetra Moore	Unit Status Action	Unit 355 CODE 4
03/29/2015 19:23:47	Janetra Moore	Unit Status Action	Unit 350 cleared from call
03/29/2015 19:27:08	Catherine Cordelro	Unit Status Action	Unit S1 cleared from call
03/29/2015 19:32:11	Catherine Cordelro	Unit Recommendation	Recommended Static Unit(s): 410, 2731, 7121, 355, JP2.
03/29/2015 19:32:13	Catherine Cordelro	Unit Recommendation	Recommended Run Card Unit(s): M1.
03/29/2015 19:32:22	Catherine Cordelro	Narrative Added	EMS REPORT SENT 1932
03/29/2015 19:32:49	Janetra Moore	Person Updated	Name: OCALLAGHAN,MICHAEL,JOSEPH, Location: 3489 HERCULES RD, Contact Phone: (832)816-0846
03/29/2015 19:33:44		Unit Timer Expired	Unit 355;CODE 4
03/29/2015 19:34:16	Janetra Moore	Unit Status Action	Unit 355 cleared from call
03/29/2015 19:35:57	Amber Coward	Vehicle Added	Role: UNIT #1, Type: RECREATIONAL, Make: POLARIS, State: TX
03/29/2015 19:38:04	Amber Coward	Person Added	Name: BUMA,JASON,ROGER, Location: 1951 ROLLING BROOKS LN

SHAWANO

JUN 01 2015

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Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 17:49:42	Jerod Hartfield	M2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:49:48	Jerod Hartfield	S1	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:49:49	Jerod Hartfield	350	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:50:14	Jerod Hartfield	M2	ENROUTE	Unit Status Change		
03/29/2015 17:50:18	Jerod Hartfield	S1	ENROUTE	Unit Status Change		
03/29/2015 17:50:50	Sarah Baker	410	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:50:50	Sarah Baker	410	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:51:58	Jerod Hartfield	S2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:52:04	Jerod Hartfield	S2	ENROUTE	Unit Status Change		
03/29/2015 17:53:10	Jerod Hartfield	2731	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:53:10	Jerod Hartfield	2731	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:55:49	Jerod Hartfield	7121	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:55:49	Jerod Hartfield	7121	ENROUTE	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:56:46	Deborah Taylor	355	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 17:56:49	Deborah Taylor	355	AT SCENE	Unit Status Change		
03/29/2015 17:59:43	Sarah Baker	410	AT SCENE	Unit Status Change		
03/29/2015 18:03:12	default_nws - default_nws	2731	ENROUTE	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 18:09:33	Jerod Hartfield	S2	AT SCENE	Unit Status Change		
03/29/2015 18:10:47	Jerod Hartfield	S1	AT SCENE	Unit Status Change		

Shay, RWB

JUN 01 2015

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS: 8643 From Date: 03/29/2015 00:00 CFS Type: All
To CFS: 8643 To Date: 03/29/2015 23:59 Agency Type: Police, Fire, EMS
Layer: All Areas: All

CFS Number: 8643 Call Date/Time: 03/29/2015 17:48:51 Primary Incident: 2015-00001672

Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 18:10:52	Jerod Hartfield	S1	PATIENT CONTACT	Unit Status Change		
03/29/2015 18:10:56	Jerod Hartfield	S1	CRITICAL	Unit Status Change		
03/29/2015 18:13:01	Deborah Taylor	7121	AT SCENE	Unit Status Change		
03/29/2015 18:13:28	Deborah Taylor	M2	AT SCENE	Unit Status Change		
03/29/2015 18:26:57	Deborah Taylor	2731	AT SCENE	Unit Status Change		
03/29/2015 18:28:31	Sarah Baker	M2	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:28:31	Sarah Baker	M2	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:29:17	Gene Crow - gcrow	S2	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:29:17	Gene Crow - gcrow	S2	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:36:35	Deborah Taylor	JP4	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 18:37:27	Deborah Taylor	JP4	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 18:37:27	Deborah Taylor	JP4	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 18:42:07	Deborah Taylor	JP2	DISPATCHED	Unit Status Change		3489 HERCULES RD, Carmine
03/29/2015 18:42:09	Deborah Taylor	JP2	ENROUTE	Unit Status Change		
03/29/2015 18:52:09	default_nws - default_nws	JP2	ENROUTE	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:00:26	Janetra Moore	7121	CODE 4	Unit Status Change		
03/29/2015 19:00:30	Janetra Moore	410	CODE 4	Unit Status Change		
03/29/2015 19:00:40	Janetra Moore	2731	CODE 4	Unit Status Change		
03/29/2015 19:10:26	default_nws - default_nws	7121	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:10:30	default_nws - default_nws	410	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:10:40	default_nws - default_nws	2731	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:23:41	Janetra Moore	S1	RADIO CONTACT	Unit Status Change		

JUN 01 2015

Detail Call For Service Report

Login ID: jmoore

Print Date/Time: 03/29/2015 19:44

From CFS:	8643	From Date:	03/29/2015 00:00	CFS Type:	All
To CFS:	8643	To Date:	03/29/2015 23:59	Agency Type:	Police, Fire, EMS
Layer:	All	Areas:	All		

CFS Number:	8643	Call Date/Time:	03/29/2015 17:48:51	Primary Incident:	2015-00001672
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Unit Log

Log Date/Time	Entered By	Unit	Status	Action	Description	Location
03/29/2015 19:23:44	Janelra Moore	355	CODE 4	Unit Status Change		
03/29/2015 19:23:47	Janelra Moore	350	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:23:47	Janelra Moore	350	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 19:27:08	Catherine Cordelro	S1	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:27:08	Catherine Cordelro	S1	AVAILABLE FOR CALLS	Unit Status Change		
03/29/2015 19:33:44	default_nws - default_nws	355	CODE 4	Unit Timer Expired		3489 HERCULES RD, Carmine
03/29/2015 19:34:16	Janelra Moore	355	AVAILABLE FOR CALLS	Unit Cleared	Unit cleared from call	
03/29/2015 19:34:16	Janelra Moore	355	AVAILABLE FOR CALLS	Unit Status Change		

JUN 01 2015

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From: Sandy, Shanna [mailto:shanna.sandy@twentyeighty.com]
Sent: Monday, June 08, 2015 11:54 AM
To: Jacqueline Guzon
Cc: Williams, Genene
Subject: RE: *URGENT Request for Response* RE: Jason Buma / CLM# E2C12430
Importance: High

Hi Jacqueline,

Apologies for not getting back to you sooner. I was traveling this week and also needed to bring Genene Williams, who has replaced me as Director, Global Payroll & Benefits, up to speed on this issue should it go beyond the next few weeks. I will continue to work with you on this until such time I am no longer with the business. My only request is that you continue to copy Genene on any correspondence we have so that she is kept apprised of what's going on. I have provided Genene's contact information below and copied her on this email for your convenience.

Genene E. Williams
Director, Global Payroll & Benefits
(727) 503-0070
genene.williams@twentyeighty.com

Please see my responses to your questions below and let me know if you need anything else.

Thanks!

SHANNA SANDY

O: 703-553-3171

E: Shanna.Sandy@twentyeighty.com



From: Jacqueline Guzon [mailto:Jacqueline_Guzon@gbtpa.com]
Sent: Friday, May 29, 2015 11:12 AM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: *URGENT Request for Response* RE: Jason Buma / CLM# E2C12430
Importance: High

Hi Shanna,

To follow-up to my voice message left this AM, we are needing additional information as follows for our investigation:

- Please provide exact date(s) along with time(s) of meetings that Mr. Buma was to attend for his business trip during the last week of March and first week of April. >> Mr. Buma was scheduled to meet with Miller Heiman clients on Monday March 30, 2015 at 8:30am and 9:30am.
- Description of accident notes that Mr. Buma was riding an ATV with his business partner; please confirm as to whether or not Mr. Buma was required to ride on the ATV for work purposes. >> Mr. Buma was not required to ride on the ATV for work purposes.
- Please advise if there was a company event held on 03/29/15 at Mr. Buma's accident location. >> There was no company event held on 03/29/2015 at Mr. Buma's accident location.

Feel free to contact me directly with any further questions or concerns.

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460

From: Jacqueline Guzon
Sent: Thursday, May 28, 2015 4:05 PM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: RE: Jason Buma / CLM# E2C12430

Hi Shanna,

It looks like the widow is pursuing a claim under NV jurisdiction and they have retained legal counsel. We will be reviewing this file for claim denial. I've attached the documentation submitted to our office that was received just today.

Will there be an alternate contact for me to reach out to since you will no longer be with the company?

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460

From: Sandy, Shanna [<mailto:shanna.sandy@twentyeighty.com>]
Sent: Thursday, May 28, 2015 6:43 AM
To: Jacqueline Guzon
Subject: RE: Jason Buma / CLM# E2C12430

Hi Jacqueline,

I hope all is well. Please excuse the late response. I was out on leave when you emailed me and I'm in the process of transitioning out of the Company as well so things have been quite hectic.

Is there anything else you need from me to close this claim? I believe that you already denied the claim but I just wanted to confirm with you so I can mark this issue as closed.

If you could get back to me sometime today I'd appreciate it. Thank you so much for your help.

Regards,
SHANNA SANDY
Director, Global Payroll & Benefits
O: 702-508-3171
F: 702-508-3100
E: Shanna.Sandy@twentyeighty.com



From: Jacqueline Guzon [mailto:Jacqueline_Guzon@gbtpa.com]
Sent: Monday, May 11, 2015 5:17 PM
To: Sandy, Shanna
Cc: Jacqueline Guzon
Subject: Jason Buma / CLM# E2C12430
Importance: High

Hi Shanna,

In review of this file and details noted; this injury/accident does not appear to be compensable per Nevada statutes as being related to course & scope of employment. Reporting in the file notes that Mr. Buma was riding an ATV on Sunday, 03/29/15, when he was involved in an accident that led to fatality. Mr. Buma's job title was noted to be Sales Vice President.

Please note that if Mr. Buma's spouse intends on pursuing a workers' compensation claim, she will need to file a Nevada state C4 form (Employee Claim for Compensation/Report of Initial Treatment) on behalf of the deceased along with autopsy, death certification, etc... The C4 form is what initiates a claim in the state of Nevada; we are not able to issue a compensability determination absent this form and claim remains a "Record Only".

Thank you,

Jacqueline Guzon | Sr. Claims Adjuster | Gallagher Bassett
PO Box 400970, Las Vegas, NV 89140
D: 702-789-4325 | T: 866-889-4755 ext4325 | F: 866-823-4130
E: jacqueline_guzon@gbtpa.com
Alternate Point of Contact: allison_spencer@gbtpa.com | 702-789-4460



Gallagher Bassett Services, Inc.

June 25, 2015

VIA CERTIFIED MAIL USPS & REGULAR MAIL: 7012 3460 0000 2351 1937

C/O The Estate Of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

RE: Employee: C/O The Estate Of Jason Buma
Employer: Providence Corp Development (DBA) Miller Heiman, Inc.
Date Injured: 03/29/2015
Claim#: E2C12430
Underwriting Co. Continental Insurance Company

Dear C/O The Estate Of Jason Buma:

Gallagher Bassett Services, Inv. administers the workers' compensation program for the above captioned employer.

We are in receipt of a claim filed for your reported industrial injury of 03/29/2015. Please be advised that after careful review of the documentation pertaining to your reported injury, it is the determination of Gallagher Bassett Services, Inc. to deny your claim based on the following statutes:

NRS 616B.612 specifies that (Workers' Compensation coverage applies to).... "any and all personal injuries by accident sustained by an employee arising out of and in the course of employment".

NRS 616C.150 states that an employee must establish by a preponderance of evidence that an injury arose out of and in the course of employment.


NRS 617.440 specifies the conditions under which a disease may be considered for coverage, and the conditions must be met for a valid claim.

We regret our inability of service to you at this time. We suggest that you submit any medical expenses incurred in reference to your injury of 03/29/2015 to your healthcare carrier along with a copy of this denial notice.

If you disagree with this determination, you may file the enclosed "Request for Hearing" form with the Department of Administration, Hearing Officer at the address listed on the form, within seventy (70) days from the date of this determination. Failure to file a timely request with the Department of Administration, Hearing Officer may result in an order dismissing your case.

Feel free to contact me directly with any further questions or concerns regarding your claim.

Sincerely,



Jacqueline Gizon
Sr. Resolution Manager

cc: Providence Corp Development (DBA) Miller Heiman, Inc., Diaz & Galt Law Office, File

Enc. D12 Request for Hearing, copy of C4 form



Gallagher Bassett Services, Inc.

ACKNOWLEDGEMENT LETTER

June 26, 2015

C/O The Estate Of Jason Buma
1951 Rolling Brook Lane
Reno, NV 89519-8342

RE: Underwriting Continental Insurance Company
Claim#: E2C12430
Employee: Jason Buma
Employer: Providence Corp Development (DBA) Miller Heiman, Inc.
Date Injured: 03/29/2015

Dear C/O The Estate Of Jason Buma:

Gallagher Bassett Services, Inc. (GB) is the claim administrator who will be handling your claim. This letter will serve as acknowledgement of your claim.

If you have sought medical treatment for this injury, please make sure that your medical provider sends all medical bills associated with this claim to:

Gallagher Basset Services, Inc.
P.O. Box 400970
Las Vegas, NV. 89140

Please be sure that your social security number, claim number, and date of injury are included on the medical bills. All correspondences should be sent directly to me at the branch address on the bottom of this letter. Also, please be advised that your medical bills will be processed quicker if they are on the red HCFA or red UB billing forms or state mandated medical billing form.

If you have lost or are losing time from work due to this injury (more than Statutory waiting period), please contact me immediately basis.

Should you have any questions regarding your claim, please contact me at 702-789-4500 ext. 4325.

Sincerely,

Jacqueline Gizon
Sr. Resolution Manager

CC: Providence Corp Development (DBA) Miller Heiman, Inc., DiazGalt Attorneys, File

THIS CONFIDENTIAL REPORT IS SUBMITTED IN ANTICIPATION OF FUTURE LITIGATION. IT IS AND SHOULD ALWAYS BE CONSIDERED ATTORNEY/CLIENT WORK PRODUCT

CONFIDENTIAL INVESTIGATIVE REPORT

July 6, 2015

Jacqueline Guzon Gallagher Bassett Services, Inc. PO Box 400970 Las Vegas, NV 89140	CLIENT FILE NO. OTHER FILE NO. OUR FILE NO. INSURED CLAIMANT LOCATION OF LOSS DATE OF LOSS	E2C12430 Not Provided 201506-237 Providence Corporate Development Jason Buma 3489 Hercules Rd. Carmine, TX 3/29/2015
SIU ASSIGNMENT RECEIVED	June 1, 2015	
ASSIGNMENT TYPE	SIU	

INVESTIGATOR	Stuart Zettel
DATES OF INVESTIGATION	June 9, 2015 June 10, 2015 June 11, 2015 June 16, 2015 June 18, 2015 June 19, 2015 June 20, 2015 June 22, 2015 June 23, 2015 June 24, 2015 June 30, 2015

ACCIDENT / LOSS DESCRIPTION
This is an ATV fatality accident.

SYNOPSIS OF FACTS
Widow and Child are Filling C4 Claim Benefits

INVESTIGATIVE TASKS TO COMPLETE AND FINDINGS
<p>1. Need a Recorded Statement from ATV owner, Michael O'Callaghan (832) 816-0846. Resides at 3489 Hercules Rd Carmine, TX 78932</p> <p>We would like to confirm the information provided by the employer listed below regarding when the first work related appointment was scheduled for and inquiries as listed;</p> <ul style="list-style-type: none"> - Please provide exact date(s) along with time(s) of meetings that Mr. Buma was to attend for his business trip during the last week of March and first week of April. >>Mr. Buma was scheduled to meet with Miller Heiman clients on Monday March 30, 2015 at 8:30 am and 9:30 am. <Shanna Sandy> - Description of accident notes that Mr. Buma was riding an ATV with his business partner; please confirm as to whether or not Mr. Buma was required to ride on the ATV for work purposes. >>Mr. Buma was not required to ride on the ATV for work purposes. <Shanna Sandy> - Please advise if there was a company event held on 03/29/15 at Mr. Buma's accident location. >> There was no company event held on 03/29/2015 at Mr. Buma's accident location. <Shanna Sandy>

Findings: Complete

Mr. Buma arrived in Texas on March 29, 2015 at approximately 3:30 pm. The accident occurred at about 5:00 pm.

Mr. Buma was not required to ride the ATV for work purposes.

There was no company event on March 29, 2015. The meetings were starting on March 30, 2015 in Houston, Texas.

PRELIMINARY INVESTIGATION

The case file and objectives were reviewed and discussed with the client.

DETAILS OF INVESTIGATION

June 9, 2015

The case file and objectives were reviewed.

I attempted to contact the client to discuss file and left voice mail message to call.

I attempted to contact the ATV owner, Michael O'Callaghan (832) 816-0846, and left a voice mail message to call.

June 10, 2015

I received a voice mail message from the client Jacqueline Guzon (702) 789-4325 stating that she only needs a recorded statement from ATV owner Michael O'Callaghan.

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call.

I received a call back from Michael O'Callaghan (832) 816-0846. He is out of town on business until June 25, 2015. I advised Mr. O'Callaghan I would need to check with the client to see if how they wanted to proceed and would call him back.

I attempted to contact the client Jacqueline Guzon and left a voice mail message advising that Michael O'Callaghan is out of town on business until June 25, 2015.

June 11, 2015

I received an email response and a phone call from the client Jacqueline Guzon. A telephone recorded statement is ok.

June 16, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call to schedule his phone recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 18, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left two voice mail messages to call to schedule his phone recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 19, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left another voice mail message to call to schedule his phone recorded statement. There has been no response from Mr. O'Callaghan.

Attempts will continue to contact Michael O'Callaghan to schedule his phone recorded statement.

June 20, 2015

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message in the morning and later afternoon to call to schedule his phone recorded statement.

This investigator will contact the client Jacqueline Guzon on June 22, 2015 to advise there has been no response from Michael O'Callaghan to obtain his phone recorded statement and to find out how the client wants to proceed at this time.

June 22, 2015

I received an email from the client asking for status update on recorded statement with Michael O'Callaghan.

An email was sent to the client advising that I have left several messages for Michael O'Callaghan but there has been no response.

This investigator attempted to contact the client and left a voice mail message for the client asking how to proceed at this time.

June 23, 2015

I received an email response from the client stating it is ok to wait until Michael O'Callaghan returns home to obtain his statement.

The client also approved a due date extension until July 1, 2015.

I attempted to contact Michael O'Callaghan (832) 816-0846 and left a voice mail message to call to schedule his recorded statement.

Attempts will continue to contact Michael O'Callaghan to schedule his recorded statement.

June 24, 2015

I spoke to Michael O'Callaghan (832) 816-0846. He is on his way home after being out of town for 7 weeks. He is not able to meet on June 25, 2015 but is available to meet on June 30, 2015 between 11:00 am and 1:00 pm at his ranch located at 3489 Hercules Rd, Carmine, TX.

June 30, 2015

An in person recorded statement was obtained from the ATV owner Michael O'Callaghan (22 minutes) at his ranch located at 3489 Hercules Rd, Carmine, TX. Photos were taken of the loss location and the ATV that has since been repaired.

Recorded Statement of Michael O'Callaghan

Mr. Michael Joseph O'Callaghan was born on March 18, 1958 and was identified by his Texas Driver's License number 08151573. Mr. O'Callaghan lives at 3489 Hercules Rd, Carmine, TX 78932 and his home phone number is (979) 278-3550 and cell phone is (832) 816-0846. Mr. O'Callaghan's nickname is "Mickey." The ranch is 74 acres with a main house, guest house, barn dominium, barn, and a pond.

Mr. O'Callaghan is self-employed with Axiom International, Inc. and has been an independent representative for Miller Heiman for 15 years. Mr. O'Callaghan was assigned to a territory that the claimant, Jason Buma, managed and they worked together for about 3 years.

The accident occurred on March 29, 2015 at approximately 5:00 pm while Mr. O'Callaghan and Mr. Buma were riding ATV's. Mr. Buma flew into Texas on March 29, 2015 for meetings that started in Houston on March 30, 2015 and arrived at Mr. O'Callaghan's ranch at approximately 3:30 pm. Mr. Buma was not required to ride the ATV for work purposes. There was no company event on March 29, 2015. The meetings were starting on March 30, 2015 in Houston, Texas.

Mr. Buma had been to Mr. O'Callaghan's ranch on at least two prior occasions and had driven the ATV before this accident.

Mr. Buma and Mr. O'Callaghan visited briefly with each other on the back porch and each had a glass of wine prior to them going to dinner in Round Top, Texas. Mr. Buma told Mr. O'Callaghan that he wanted to ride on the ATV before going to dinner. This was just for pleasure and not worked related.

Mr. O'Callaghan was about 20-30 seconds behind Mr. Buma and did not witness the accident but did come upon Mr. Buma lying in the road in a "pool" of blood. The ATV was upright but facing the wrong direction and Mr. O'Callaghan could tell that ATV had rolled over due to the damage. The accident occurred on Hercules Rd outside the property on a dirt road with Kalechi rock.

Mr. O'Callaghan immediately checked on Mr. Buma who was unconscious but still breathing, called 911, and then started CPR until EMS arrived approximately 10 minutes later. Mr. Buma stopped breathing prior to EMS arriving and then EMS took over CPR. An ambulance, justice of the peace, and state trooper arrived and they determined life flight was too far away and Mr. Buma was pronounced dead on scene.

Mr. O'Callaghan's only neighbor, Mr. Gwyn, came to the scene when he heard the sirens from the ambulance. A female EMS was two miles away visiting her parents and heard the call over the radio. She traveled in her vehicle and was on scene 10 minutes prior to the ambulance arriving on scene.

Mr. O'Callaghan provided a statement to police and then the funeral home director came out and removed Mr. Buma's body.

Mr. O'Callaghan then contacted colleagues and they went to Mr. Buma's home in Reno, Nevada and notified his wife and family.

Mr. O'Callaghan again said they had one glass of red wine prior to riding the ATV but is not sure if Mr. Buma had any other alcohol on the plane prior to his arrival at the ranch. They had been riding for about 20 minutes and rode to the end of the road and were on the way back to Mr. O'Callaghan's property at the time of the accident which happened on a curve in the road.

Mr. Buma was riding a 2011 Polaris 500 Sportsman and Mr. O'Callaghan was riding a 2001 Yamaha 350 Kodiak. Mr. O'Callaghan is the owner of both ATV's.

Mr. O'Callaghan just had the ATV repaired for \$1300.00.

Photos were taken of the loss location and of the ATV's.

RECOMMENDATIONS

No recommendations at this time.

CASE STATUS Closed

ENCLOSURES	<ol style="list-style-type: none">1. Recorded Statement of Michael O'Callaghan2. Manual Photo Log
-------------------	--

Thank you for the continuing opportunity to be of service. Should you have any questions regarding this file, please feel free to contact our corporate office at 1-888-932-7364.

-----END OF REPORT -----

PHOTO LOG FOR CLAIM

Insured: Providence Corporate Development
 Claim #: E2C12430
 ICS|MERRILL #: 201506-237-1
 Investigator: Stuart Zettel
 Photos Taken: 33
 Date of Loss: June 30, 2015
 Location: 3489 Hercules Rd. Carmine, TX 78932

Photo #:1

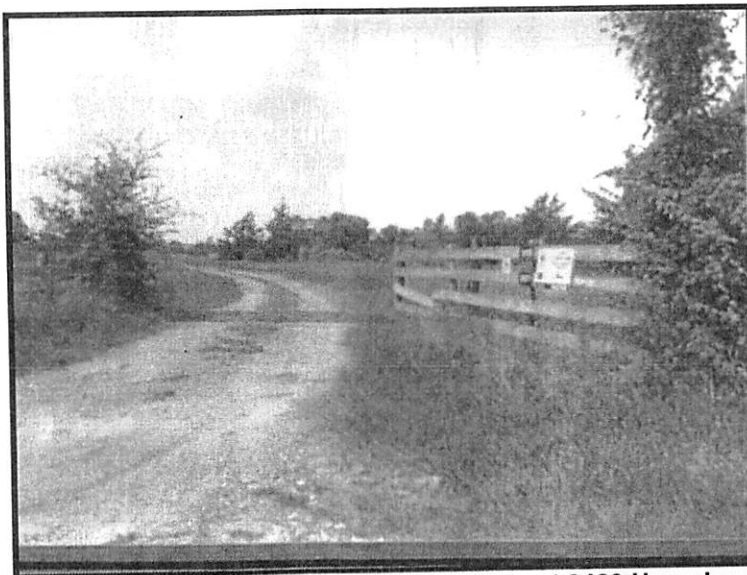


Photo
Description:

Front entrance to Mr. O'Callaghan's property at 3489 Hercules Rd.

Photo #: 2



Photo
Description:

Address on mailbox

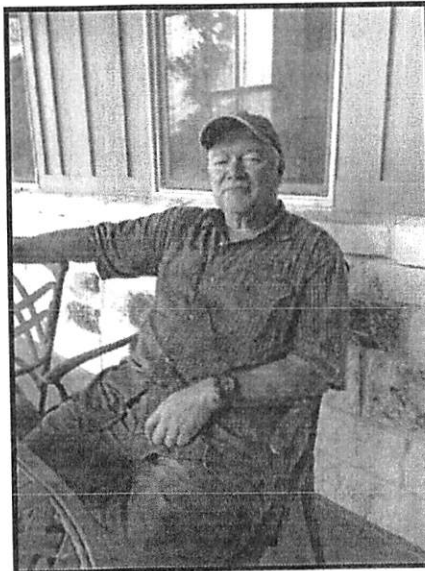
Photo #:3



Risk-3489 Hercules Rd. Carmine, TX

Photo
Description:

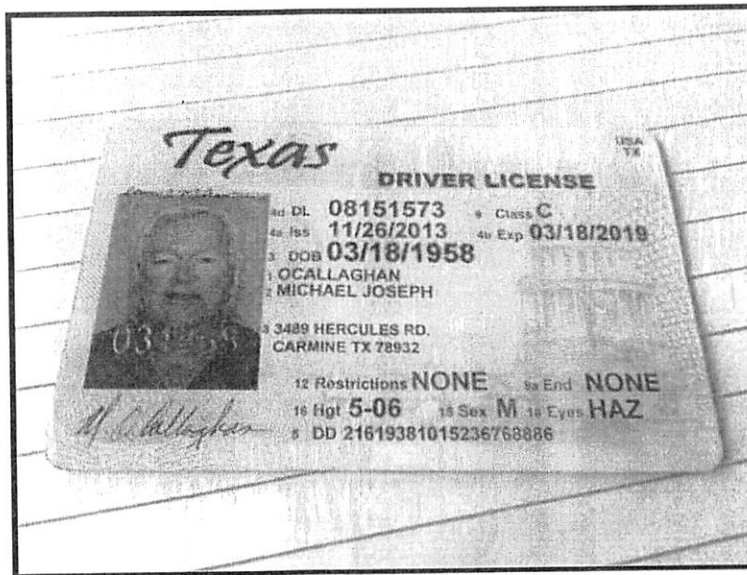
Photo #:4



Mr. Michael O'Callaghan-The ATV owner

Photo
Description:

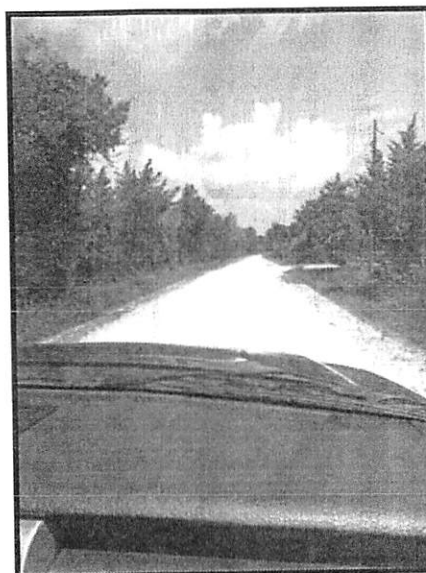
Photo #:5



Texas Driver's License for Mr. O'Callaghan

Photo
Description:

Photo #:6



View of Hercules Rd. just outside the front gate

Photo
Description:

Photo #:7



Another view of Hercules Rd.

Photo
Description:

Photo #:8



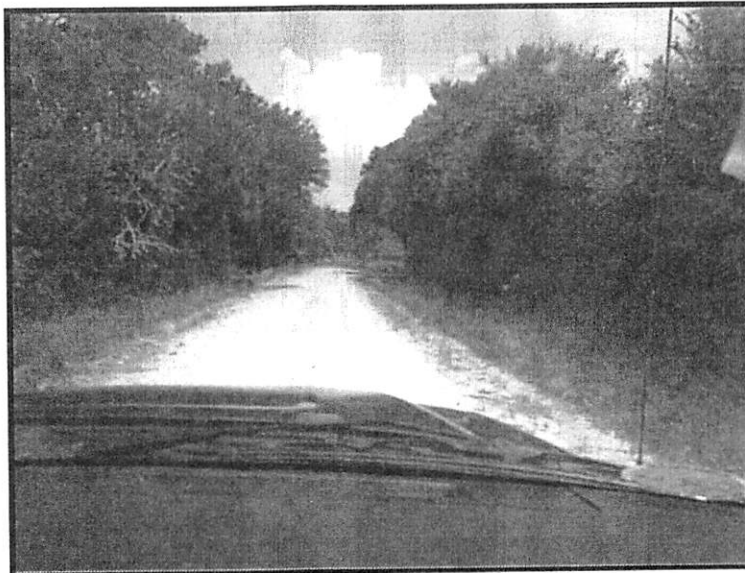
View approaching neighbor's property at 3500 Hercules Rd.

Photo
Description:

ICS Merrill

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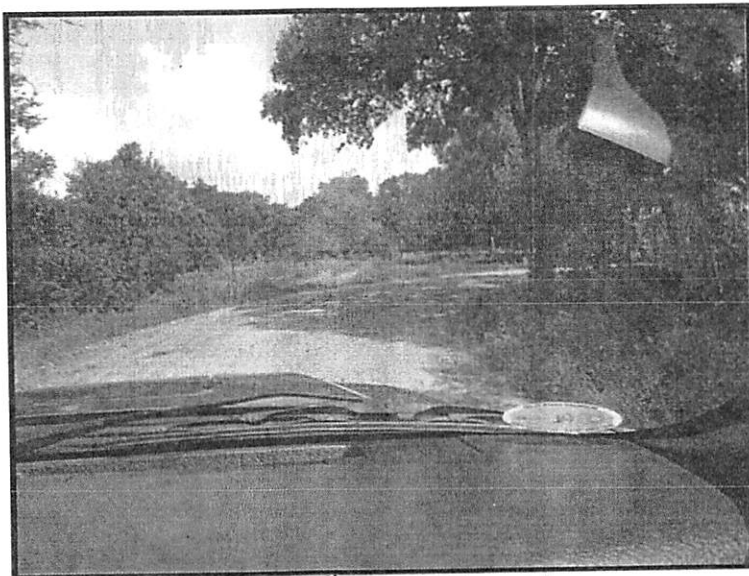
Photo #:9



View looking down Hercules Rd.

Photo
Description:

Photo #:10



View of 1st curve in the road.

Photo
Description:

ICS Merrill

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Photo #:11



Photo
Description:

View approaching the 2nd curve

Photo #:12

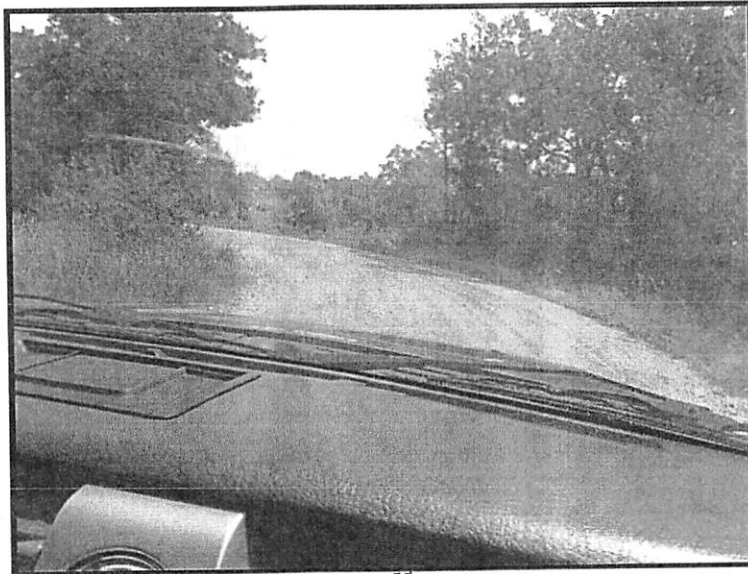


Photo
Description:

View of 2nd curve

ICS Merrill

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Photo #:13



Photo
Description:

View of another straight away

Photo #:14

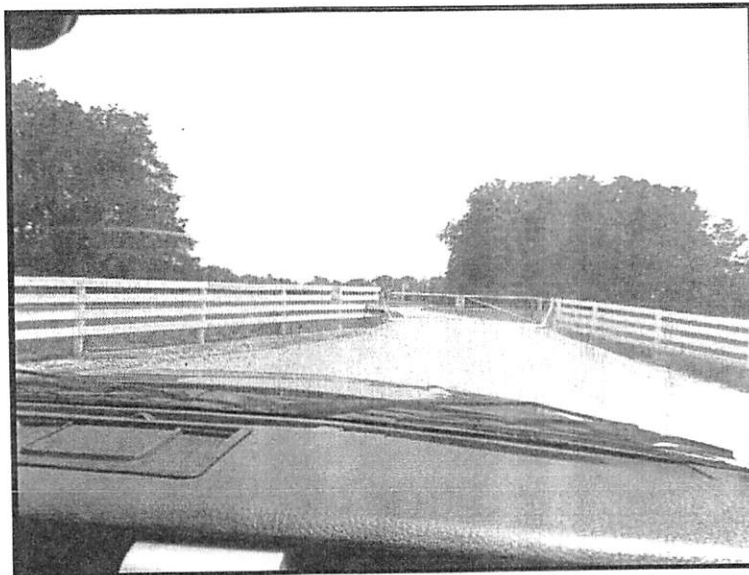


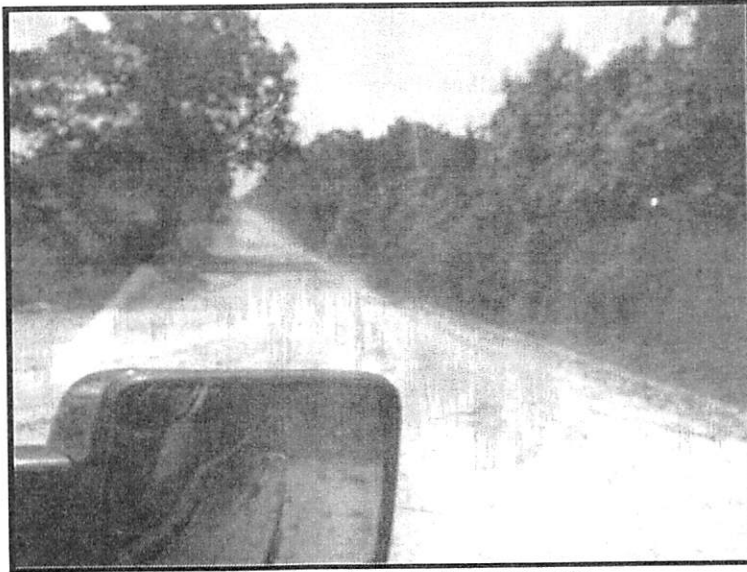
Photo
Description:

View of the end of the road

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Photo #:15



View heading back to the property

Photo
Description:

Photo #:16



View of another straight away heading back to the property

Photo
Description:

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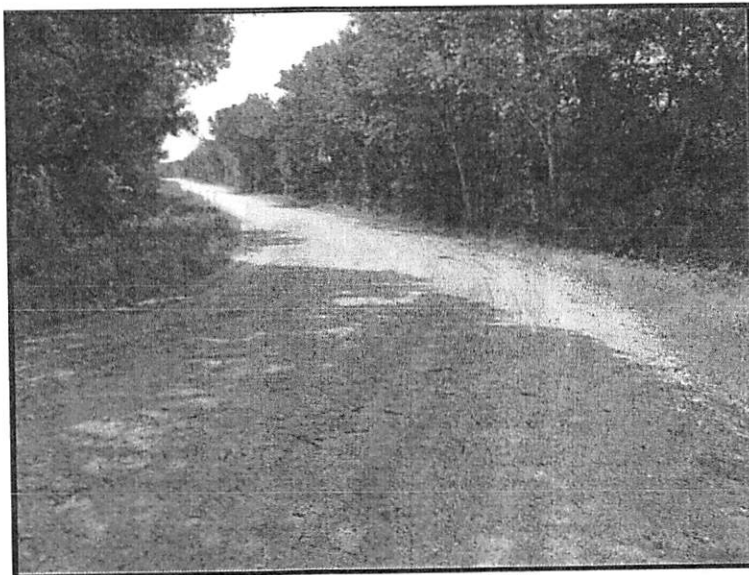
Photo #:17



**Photo
Description:**

View of curve in the road – this is where the accident occurred

Photo #:18



**Photo
Description:**

Another view of the curve in the roa

Photo #:19

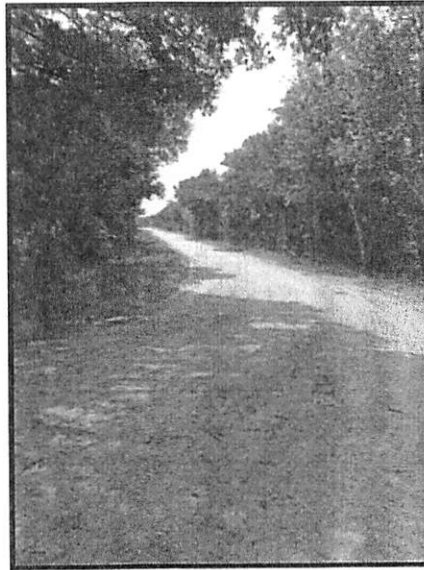


Photo
Description:

Another view of the curve in road where the accident occurred

Photo #:20

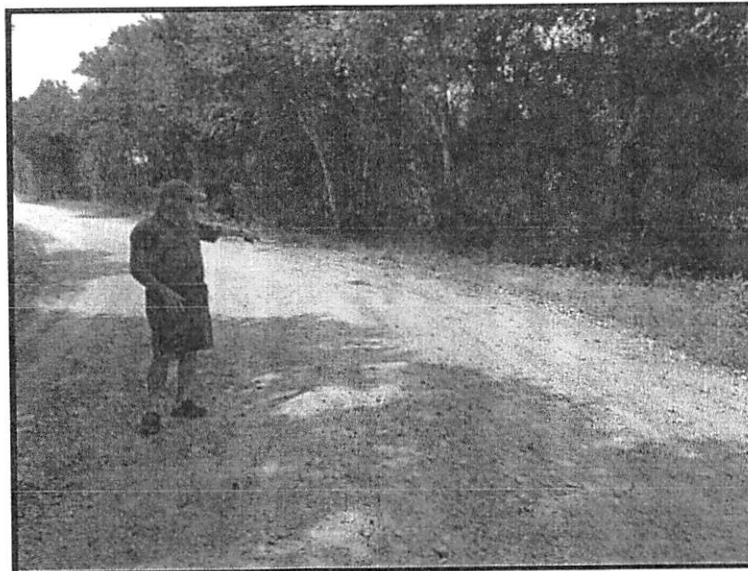
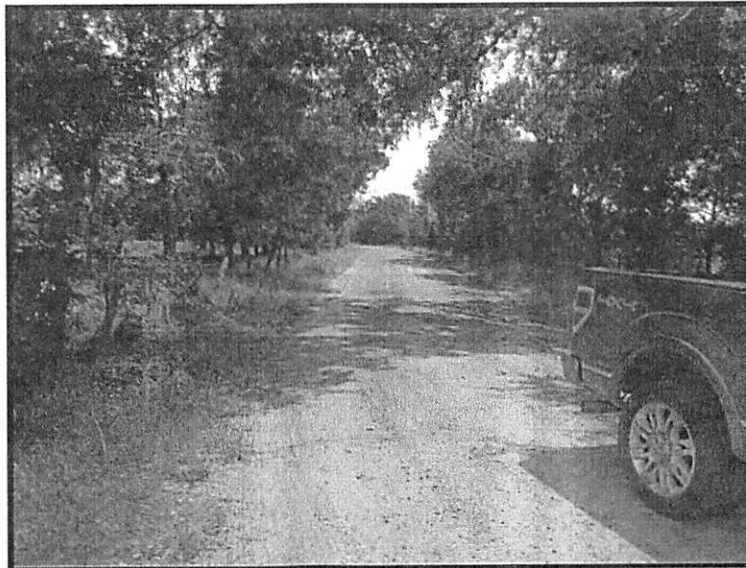


Photo
Description:

Mr. O'Callaghan pointing to where he found Mr. Buma on the ground

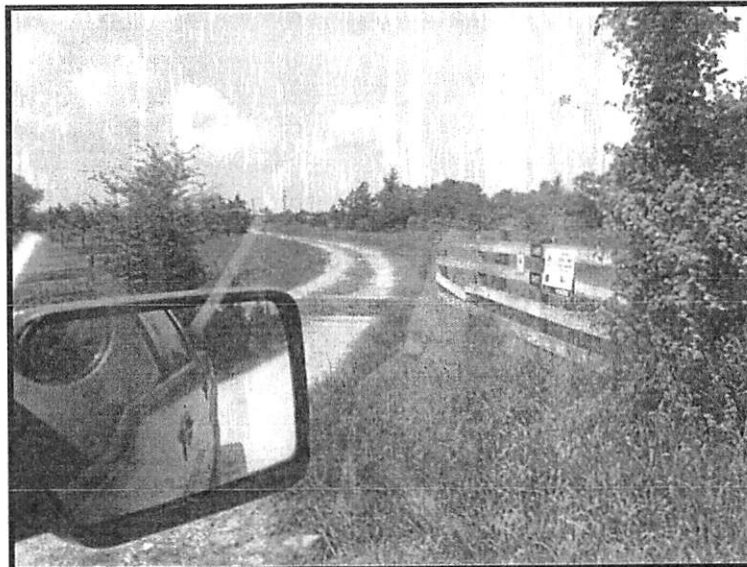
Photo #:21



View looking back from the curve in the road

Photo
Description:

Photo #:22



View re-entering the front gate to Mr. O'Callaghan's property

Photo
Description:

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Photo #:23



Photo
Description:

Rear view of the 2011 Polaris 500 Sportsman that has just been repaired.

Photo #:24

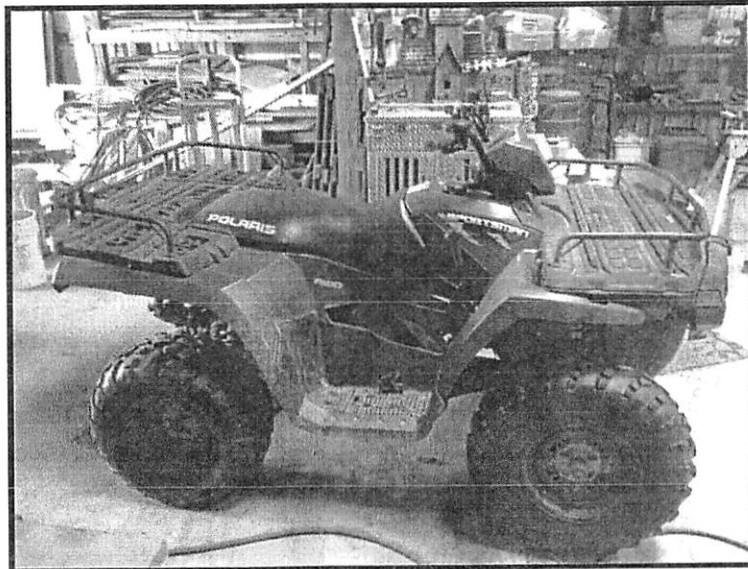
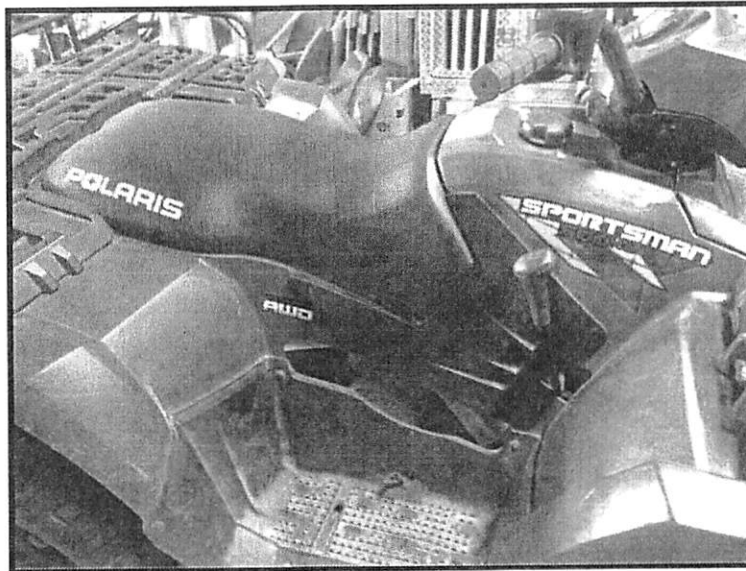


Photo
Description:

Passenger side view

Photo #:25



Closer view

Photo
Description:

Photo #:26



Front view

Photo
Description:

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Photo #:27



Front and driver's side view

Photo
Description:

Photo #:28



Back of the ATV- The rear bar was replaced.

Photo
Description:

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Photo #:29



Another view of back of the ATV

Photo
Description:

Photo #:30

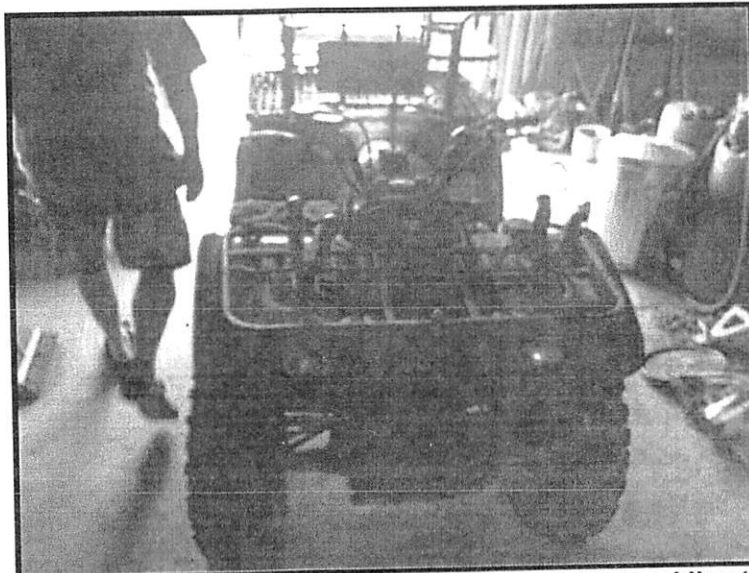


Photo
Description:

2nd ATV-2001 Yamaha 350 Kodiak. Mr. O'Callaghan was riding this.

Photo #:31

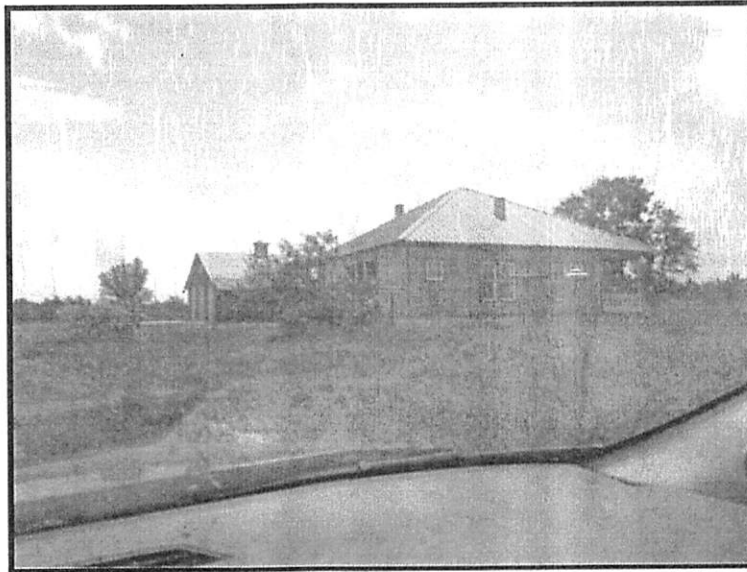


Photo
Description:

Guest house and Barndominium

Photo #:32

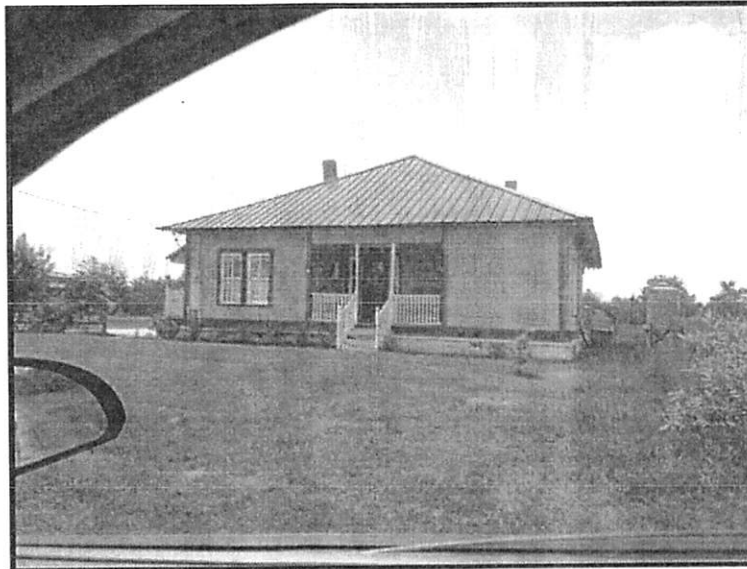


Photo
Description:

Front of Guest House

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Photo #:33



Photo
Description:

Barndominium

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * *

KAYCEAN BUMA, AS THE
SURVIVING SPOUSE, AND DELANEY
BUMA, AS THE SURVIVING CHILD OF
JASON BUMA, (DECEASED)

Appellants,

vs.

PROVIDENCE CORP. DEVELOPMENT
D/B/A MILLER HEIMAN, INC., AND
GALLAGHER BASSETT SERVICES,
INC.,

Respondents.

APPELLANT'S APPENDIX

CHARLES C. DIAZ, ESQ.
DIAZ & GALT, LLC.
Nevada State Bar No. 3349
443 Marsh Avenue
Reno, NV 89509
(775) 324-6443

Attorney for Appellant
JASON BUMA (Deceased)

Electronically Filed
Jan 04 2018 02:36 p.m.
Docket 73632 Elizabeth A. Brown
Clerk of Supreme Court

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AFFIRMATION

I affirm that I am an employee of Diaz & Galt, LLC. and that this document does not contain the social security number of any person.

DATED this 4th day of January, 2018.



LILA SALINAS

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I HEREBY CERTIFY I am an employee of Diaz & Galt, LLC. and that on this date, I served a true and correct copy of the within **APPELLANT'S APPENDIX** via U.S. Mail at Reno, Nevada, as indicated, to the following:

John Lavery, Esq.
Lee Davis, Esq.
Lewis, Brisbois, Bisgaard, & Smith, LLP.
2800 W. Sahara Avenue, Suite 300, Box 28
Las Vegas, NV 89102

DATED this 4th day of January, 2018.



LILA SALINAS

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

JASON BUMA,

Case No.: CV17-00423

Petitioner,

Dept. No.: 8

vs.

PROVIDENCE CORP. DEVELOPMENT
dba MILLER HEIMAN, INC.;
GALLAGHER BASSETT SERVICES,
INC.; and THE DEPARTMENT OF
ADMINISTRATION APPEALS
DIVISION,

Respondent.

ORDER DENYING PETITION FOR JUDICIAL REVIEW

Before the court is Petitioner Jason Buma's ("Buma") *Petition for Judicial Review* filed on February 28, 2017. The petition is fully briefed. In addition, Providence Corp., dba Miller Heiman Inc.; Gallagher Basset Services, and the Department of Administration Appeals Division ("Respondents") filed a *Motion to Dismiss* for failure to name all parties on June 22, 2017. Burma asks that this court review the decision of the Nevada Department of Administration with regard to Petitioner's workers' compensation claim. After considering the parties' briefs, reviewing the underlying file, and good cause appearing, the court will deny the petition.

BACKGROUND

Jason Buma suffered a tragic accident that resulted in his death on March 29, 2015. Burma was employed as Vice President of Sales by Miller Heiman, Inc. He suffered an accident while riding an ATV at a coworker's ranch house, owned by Michael O'Callaghan, that he was

1 staying at prior to a business meeting in Huston, Texas. Miller Heiman, Inc. is a business that
2 provides sales training and develops strategies for other companies to increase their sales. Buma
3 planned on meeting with his client at an Oil and Gas convention the following day. He made his
4 own travel arrangements and chose to stay with O'Callaghan. He would be reimbursed by his
5 employer or the employer had provided him with a credit card to use for travel expenses.

6 Buma arrived at O'Callaghan's property around 3:30 in the afternoon after arriving in the
7 Houston area. The two of them had worked together for approximately three years prior to the
8 accident. Before the two went to dinner to prepare for the meeting, they decided to ride around
9 the property on ATVs. These vehicles were not owned by Miller Heiman, Inc., and Michael
10 O'Callaghan was not an employee of Miller Heiman, Inc., but an independent contractor who
11 works with Miller Heiman, Inc. Approximately 20 minutes into the ride down an unpaved road,
12 O'Callaghan lost sight of Buma when they went around a curve in a road. When O'Callaghan
13 found Buma, he was lying injured in the road with a damaged ATV nearby. Mr. Buma died at
14 the scene of the accident.

15 On May 11, 2015, Buma's surviving wife and daughter's attorney sent a letter to the
16 Third-Party Administrator seeking death benefits. The letter included a copy of the death
17 certificate, Ms. Buma's Marriage Certificate, as well as police and emergency service reports of
18 the accident. The adjuster for the Employer responded on July 8, 2015 noting that: (1) there were
19 no company events scheduled for the day of the accident, (2) Buma was not required to ride the
20 ATV for work purposes, and (3) that Buma was not meeting with clients until the following day.
21 As a result, the claim was denied by the adjuster on July 25, 2015.

22 Ms. Buma filed an appeal of the claim denial on August 13, 2015. On October 23, 2015,
23 the Hearing Officer affirmed the denial of the claim. Ms. Buma further appealed that denial,
24 which was heard by Appeals Officer Lorna L. Ward. Officer Ward denied the appeal with a
25 comprehensive decision on February 7, 2017.

26 After the petition was filed by Buma in this court, Respondents filed a *Motion to Dismiss*
27 for Buma failing to name all the parties. Buma, in the initial petition with this court, did not
28 name CNA CLAIMPLUS who was a party in the case before the Appeals Officer. This is

1 disputed by Buma who argues that the party was not an official party to the administrative
2 proceedings. Nonetheless, the court will consider the *Petition for Judicial Review* on the merits.

3 STANDARD OF REVIEW

4 NRS 233B.135(3) provides that the district court may overturn the decision of an
5 administrative agency only if the petitioner demonstrates the decision is:

- 6 (a) In violation of constitutional or statutory provisions;
- 7 (b) In excess of the statutory authority of the agency;
- 8 (c) Made upon unlawful procedure;
- 9 (d) Affected by other error of law;
- 10 (e) Clearly erroneous in view of the reliable, probative and substantial evidence
on the whole record; or
- 11 (f) Arbitrary or capricious or characterized by abuse of discretion.

12 Courts review local government decisions under the “substantial evidence” standard. *Kay v.*
13 *Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006) (citations omitted). Under this standard,
14 a court will defer to the findings of the administrative agency so long as they are supported by
15 substantial evidence even if this court may have weighed the evidence differently. NRS
16 233B.135(2); *Knapp v. State, Dept. of Prisons*, 111 Nev. 420, 423, 892 P.2d 575, 577 (1995).
17 Nonetheless, this court reviews questions of law *de novo*. *Elizondo v. Hood Mach., Inc.*, 129
18 Nev. Adv. Op. 84, 312 P.3d 479, 482 (2013). Finally, absent allegations of irregularity in the
19 prior proceedings, this court’s review is confined to the record below. NRS 233B.135(1).

20 DISCUSSION

21 Employers in the State of Nevada must provide compensation to employees who are
22 injured “arising out of and in the course of the employment.” NRS 616B.612(1). The Nevada
23 Supreme Court has defined “arises out of” the course of employment as where there is a causal
24 connection between the injury and the work being done for the employer. *Rio Suite Hotel &*
25 *Casino v. Gorsky*, 113 Nev. 600, 604, 939 P.2d 1043 (1997). If an employee who is outside the
26 scope of normal employment they must be performing an errand or confer a distinct benefit for
27 the employer for it to fall within the course of that employee’s work. *Evans v. Southwest Gas*
28

1 *Corp*, 108 Nev. 1002, 1005-1006, 842 P.2d 719 (1992).¹ Buma attempts to justify that the act of
2 riding an ATV was in the course of his employment with two principal arguments: the Traveling
3 Employee Doctrine, and the Personal Comfort Doctrine. With regard to the Traveling Employee
4 Doctrine, Buma argues that since his work entailed traveling for business, any injuries sustained
5 during the trip would be held compensable. The court finds these arguments to be unpersuasive
6 and factually distinguishable from the present case and declines to apply the doctrine. Burma
7 notes that the Traveling Employee Doctrine has not been adopted in Nevada and this court
8 declines to expand on the current jurisprudence for it would not change the outcome of this
9 court's decision.

10 Under Buma's second argument, the Personal Comfort Doctrine, he reasons that a worker
11 who engages in acts of personal comfort does not leave the course of employment unless there is
12 a substantial personal deviation from the job. Buma cites to *Fitzgeralds Casino/Hotel v. Mogg*,
13 127 Nev. 1134, 373 P.3d 913 (2011) to argue that the Personal Comfort Doctrine should apply in
14 this case. However, not only is it an unpublished case, but it is also distinct from the present
15 situation's facts. The injured worker in *Fitzgerald* was injured when they put their feet up on
16 their desk during their shift. *Id.* Here Buma was injured when he was not on the job, but when he
17 was riding an ATV. The other cases cited to support Buma's argument are again non-binding law
18 and do not persuade the court to extend the Personal Comfort Doctrine beyond what is presently
19 is.

20 The administrative appeals officer thoroughly documented the events leading up to
21 Burma's ATV accident. There is ample evidence that Burma was not "on the job" while he was
22 involved in his accident. He was staying with a friend and coworker and did not have any
23 business activities at the ranch, but in Houston the next day with the Oil and Gas convention.
24 Additionally, the accident did not occur on the Employer's property, riding an ATV was not part
25 of Burma's job duties, and the ATV was not owned by the Employer. The core arguments of
26

27
28 ¹ *Evans v. Southwest Gas Corp*, 108 Nev. 1002, 1005-1006, 842 P.2d 719 (1992) was overruled on other grounds by
GES, Inc. v. Corbitt 117 Nev. 265, 21 P.3d 11 (2001)

1 Buma's petition do not persuade the court that the Appeals Officer's decision was arbitrary or
2 capricious. As a result, as tragic as the loss was, the Appeals Officer's decision was reasonable,
3 lawful, and not an abuse of its discretion.

4 **CONCLUSION**

5 Accordingly, because "substantial evidence" exists to support the Appeals Officer's
6 decision, *see Kay*, 122 Nev. at 1105, 146 P.3d at 805 (citations omitted), Buma's *Petition for*
7 *Judicial Review* is **DENIED**.

8 Additionally, because the court denies the petition, it declines to decide on the
9 Respondents' *Motion to Dismiss* for failing to name a party, which is rendered moot.

10 **IT IS SO ORDERED**

11 **DATED** this 24th day of July, 2017.

12
13 
14 BARRY L. BRESLOW
15 District Judge
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John P. Lavery, Esq.
Charles C. Diaz, Esq.


CHRISTINE KUHLMAN
Judicial Assistant

FILED

FEB 07 2017

NEVADA DEPARTMENT OF ADMINISTRATION

BEFORE THE APPEALS OFFICER

DEPT. OF ADMINISTRATION
APPEALS OFFICER

In the Matter of the Contested
Industrial Insurance Claim

Claim No.: E2C12430

Hearing No.: 53765-SA

Appeal No.: 54752-LLW

JASON BUMA (DECEASED)
c/o THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519,

Employer:
PROVIDENCE CORP. DEVELOPMENT
dba MILLER HEIMAN, INC.
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

Claimant.

DECISION AND ORDER

The above-captioned appeal came on for hearing before Appeals Officer LORNA L. WARD, ESQ. The surviving spouse ("Mrs. Buma") of Claimant, JASON BUMA ("Claimant"), was represented by CHARLES DIAZ, ESQ., of DIAZ & GALT. Third-Party Administrator, GALLAGHER BASSETT, on behalf of CNA CLAIMPLUS ("Administrator"), and the Employer, PROVIDENCE CORP. DEVELOPMENT, dba MILLER HEIMAN, INC. were represented by LEE E. DAVIS, ESQ., of LEWIS BRISBOIS BISGAARD & SMITH LLP.

On June 25, 2015, Mrs. Buma was sent a determination advising her of the denial of Claimant's claim. Mrs. Buma appealed the determination to the Hearing Officer. The Hearing Officer issued a Decision and Order on October 23, 2015 affirming claim denial. Mrs. Buma appealed that decision to the Appeals Officer.

At the time of the hearing, the argument that was made on behalf of the Claimant and his wife ("Claimant") that his death was covered as a compensable workers' compensation claim pursuant to NRS 616C.150. The Claimant argued that the accident which caused the Claimant's death was as a direct relationship to his employment as the Claimant was staying at his friend's home so that the two could prepare for the presentation that the Claimant was to participate for his Employer the next day. The Claimant argued that the act of driving the recreational vehicle was closely associated with the act of preparing for the presentation that the

1 Claimant was required to attend for his work.

2 The Administrator on behalf of the Employer argued that the Claimant was not
3 covered under the workers' compensation act at the time of the Claimant's death since: (a) the
4 Claimant died as a result of a recreational activity that was not authorized nor required by his
5 Employer; and (b) the Claimant's death occurred before the Claimant was appearing for the
6 presentation for his Employer and that the Coming and Going Rule would preclude the Claimant's
7 death as being covered under workers' compensation.

8 After reviewing the documentary evidence, hearing the testimony of witnesses, and
9 considering the arguments of counsel, the Appeals Officer finds and decides as follows:

10 I.

11 **FINDINGS OF FACT**

12 1. The deceased Claimant met his unfortunate demise on March 29, 2015, as
13 the result of an ATV accident at a co-worker's house where he was visiting prior to a company
14 meeting in Houston, Texas, the next day. (Exhibit "1" at p. 1.)

15 2. The deceased Claimant was employed for Miller Heiman, Inc., as a Vice
16 President of Sales. He did not have any ownership interest in this company or its parent company.

17 3. The Claimant planned to meet with his client at an Oil and Gas Convention
18 in Houston Texas on March 30, 2015. The Claimant made his own travel arrangements and chose
19 the location of his lodging. The Claimant would either be reimbursed by the Employer or the
20 Employer had provided to the Claimant a corporate credit card to use.

21 4. The day before the Convention, the Claimant stayed with his friend,
22 Michael O'Callaghan, at his home. The Claimant had stayed with him on a couple of previous
23 occasions.

24 5. Mr. O'Callaghan was not an employee of Miller Heiman, Inc., and was the
25 owner of his own company. Mr. O'Callaghan was an independent consultant who would work
26 with Miller Heiman, Inc.

27 6. On March 29, 2015, Claimant died as the result of an ATV accident at Mr.
28 O'Callaghan's property. "ATV" is defined as an "all terrain vehicle", also known as quad, quad

1 bike, three-wheeler, four-wheeler or quadricycle. Miller Heiman, Inc., did not own or provide the
2 ATV to the Claimant to use and had no connection to the ATV incident.

3 7. On May 11, 2015, legal counsel for Mrs. Buma and the Buma's daughter
4 sent a letter of representation to the Third-Party Administrator seeking death benefits. The letter
5 enclosed a copy of the Claimant's Death Certificate, Claimant and Mrs. Buma's Marriage
6 Certificate, and a Texas Peace Officer's Crash Report, as well as emergency service reports.
7 (Exhibit "1" at pp. 2-18.)

8 8. On June 8, 2015, in response to questions from the adjuster, the Employer
9 noted that: (1) there were no company events on March 29, 2015, at the location where Claimant's
10 accident occurred; (2) Claimant was not required to ride the ATV for work purposes; and (3)
11 Claimant was not required to meet with clients until March 30, 2015 at 8:30 a.m. and 9:30 a.m.
12 (Exhibit "1" at pp. 19-21.)

13 9. A claim denial determination was issued on June 25, 2015. (Exhibit "1" at
14 pp. 22-23.)

15 10. An Acknowledgement Letter was sent by the adjuster to the Claimant's
16 estate which asked that any medical bills be sent to her attention. (Exhibit "1" at p. 24.)

17 11. Further investigation took place at the location of the unfortunate accident
18 on June 30, 2015. The property was owned by Claimant's co-worker, Mr. O'Callaghan. Mr.
19 O'Callaghan provided the ATV used by Claimant. Mr. O'Callaghan verified that Claimant was
20 riding the ATV at Claimant's request for recreational purposes only, with no related work
21 purpose. A recorded statement of Mr. O'Callaghan again corroborated the recreational, purely
22 personal purpose of the ATV ride. (Exhibit "1" at pp. 25-46.)

23 12. Mrs. Buma filed an appeal of the June 25, 2015, claim denial on August 13,
24 2015. (Exhibit "1" at p. 47.)

25 13. The Hearing Officer issued a Decision and Order on October 23, 2015
26 affirming claim denial. (Exhibit "1" at pp. 48-50.)

27 14. Mrs. Buma appealed that decision to the Appeals Officer to generate the
28 instant appeal.

1 15. This hearing followed.

2 16. Miller Heiman, Inc., is in the business of providing Sales Training. The

3 Employer's website is titled, "The Sales Performance Company" and explains its comprehensive

4 strategy for complex sales as:

5 Strategic Selling® helps organizations develop comprehensive

6 strategies to win sales opportunities. The program delivers a selling

7 process and action plan to successfully sell solutions that require

8 approval from multiple decision makers in the customer's

9 organization.

10 Strategic Selling® provides visibility into sales opportunities,

11 documenting plans with the program's Blue Sheet. This involves

12 first identifying all key players in the customer's organization,

13 understanding each player's degree of influence and their reasons

14 for buying, and uncovering essential information. Salespeople and

15 organizations will be equipped to evaluate their competitive

16 position, address the business and personal motives of each decision

17 maker in the client organization, and differentiate their company by

18 leveraging its unique strengths.

19 17. At the time of the hearing Ms. Buma testified that Mr. Buma planned to

20 meet with his client at an Oil and Gas Convention in Houston Texas on March 30, 2015. Mr.

21 Buma made his own travel arraignments and chose the location of his lodging. Mr. Buma would

22 either be reimbursed by the Employer or the Employer had provided to the Claimant a corporate

23 credit card to use. Ms. Buma further testified that the day before the Convention her husband ("the

24 Claimant") stayed with his friend, Mr. O'Callaghan at his home. Mr. Buma had stayed with him

25 on a couple of times before. Mr. O'Callaghan was not an employee of MILLER HEIMAN, INC

26 and was the owner of his own company. Mr. O'Callaghan was an independent consultant that

27 would work with MILLER HEIMAN, INC .

28 18. The parties presented their closing arguments first orally and then in writing.

At the time of the hearing the Claimant argued that his death was covered as a compensable

workers compensation claim pursuant to NRS616C.150. The Claimant argued that the accident

which caused the Claimant's death was as a direct relationship to his employment as the Claimant

was staying at his friends home so that the two could be preparing for the presentation that the

Claimant was to participate for his Employer the next day. The Claimant argued that the act of

driving the recreational vehicle was closely associated with the act of preparing for the

1 presentation that the Claimant was required to attend for his work.

2 The Administrator argued that the Claimant was not covered under the workers
3 compensation act at the time of the Claimant's death since the (a) Claimant died as a result of a
4 recreational activity that was not authorized or required by his Employer, and (b) the Claimant's
5 death occurred before the Claimant was presenting for the presentation for his Employer and that
6 the Coming and Going Rule would preclude the Claimant's death as being covered under workers
7 compensation. The Administrator further argued that the very activity that caused the unfortunate
8 death of Mr. Buma did not "arise out of" Mr. Buma's employment.

9

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II.

11

CONCLUSIONS OF LAW

12

1. The Workers Compensation Act was written into law in Nevada to provide
13 employees a means to receive medical care and benefits without the Employee being required to
14 prove in a civil or tort action that established that the Employee had either intentionally or through
15 the Employer's negligence caused the harm to their Employee.

16

 However the Nevada Workers Compensation Act requires that the Employee
17 ("Claimant") must establish that the injury was connected to his or her employment. The Nevada
18 Supreme Court has held that the fact that the injury occurred on the employer's premise is not
19 sufficient to make an injury a compensable claim.

20

 The Court in Rio Suite Hotel & Casino v. Gorsky, 113 Nev. 600, 605, 939 P.2d
21 1043 (1997) held that the "Nevada Industrial Insurance Act is not a mechanism which makes
22 administrators absolutely liable for injuries suffered by employees who are on the job." The Court
23 concluded by stating, "The requirements of 'arising out of and in the course of employment' make
24 it clear that a claimant must establish more than being at work and suffering an injury in order to
25 recover."

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2. The Nevada Workers Compensation Act has placed the burden on the Claimant to establish this connection. It is the Claimant, not the Administrator, who has the burden of proving his case, and that is by a preponderance of all the evidence. State Indus. Ins. Sys. v. Hicks, 100 Nev. 567, 688 P.2d 324 (1984); Johnson v. State ex rel. Wyoming Worker's Comp. Div., 798 P.2d 323 (1990); Hagler v. Micron Technology, Inc., 118 Idaho 596, 798 P.2d 55 (1990).

In attempting to prove his case, the Claimant has the burden of going beyond speculation and conjecture. That means that the Claimant must establish the work connection of his injuries, the causal relationship between the work-related injury and his disability, the extent of his disability, and all facets of the claim by a preponderance of all of the evidence. To prevail, a claimant must present and prove more evidence than an amount which would make his case and his opponent's "evenly balanced." Maxwell v. SIIS, 109 Nev. 327, 849 P.2d 267 (1993); SIIS v. Khweiss, 108 Nev. 123, 825 P.2d 218 (1992); SIIS v. Kelly, 99 Nev. 774, 671 P.2d 29 (1983); 3, A. Larson, The Law of Workmen's Compensation, §80.33(a).

NRS 616A.010 makes it clear that:

A claim for compensation filed pursuant to the provisions of this chapter or chapter 617 of NRS must be decided on its merits and not according to the principle of common law that requires statutes governing worker's compensation to be liberally construed because they are remedial in nature.

The evidence supported the Administrator's claim denial determination.

3. NRS 616B.612(1) requires an employer to provide compensation in accordance with the terms of the Nevada Industrial Insurance Act[4] for any employee injuries "arising out of and in the course of the employment." NRS 616C.150(1) provides that an injured employee is not entitled to receive workers' compensation unless he establishes by a preponderance of the evidence that his injury arose out of and in the course of his employment.

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1 Our Nevada Supreme Court has held that an Employer is not liable for all injuries
2 that an employee may sustain while employed.

3 We previously have explained that the language of the statute
4 reveals that legislators did not intend the Nevada Industrial
5 Insurance Act to make employers absolutely liable for any injury
6 that might happen while an employee was working. Rather, the
statute requires a claimant to "establish more than merely being at
work and suffering an injury in order to recover. MGM Mirage v
Cotton 121 Nev. Adv. Op 39 (2005)

7 **Injury on Employer's property**

8 If the accident occurs on the Employer's property the Nevada Supreme Court has
9 held that an accident within a reasonable time period before and after the work time is covered as a
10 work injury. MGM Mirage v Cotton 121 Nev. Adv. Op 39 (2005)

11 In this appeal, we consider whether an employee, who suffers an
12 injury connected to the work environment and on the employer's
13 premises while arriving to or departing from work, is eligible for
workers' compensation benefits. Generally, under the "going and
14 coming" rule, employees are not entitled to workers' compensation
for injuries sustained while traveling to or from work. We now
adopt a premises-related exception to the "going and coming" rule.
15 Thus, we hold that an employee who is injured on the employer's
premises within a reasonable interval before or after work may be
16 eligible for workers' compensation.

17 However in this case the Claimant was not injured on the Employer's premise or
within a reasonable time period before or after the employee's employment . In this case the
18 Claimant died while he was riding a recreational vehicle that was not owned, maintained by the
19 Employer.

20 The first issue to be looked at is where is the location of the accident that caused
21 the Claimant's death? The accident did not occur on the premise of the Employer. That is not in
22 dispute by any of the parties. The Claimant's employment did require him to travel out of state to
23 attend a sales presentation the day after the Claimant's accident and death.

24 **Coming and Going Rule**

25 This issue is covered by case law under what is commonly known as the "Coming
26 and Going Rule". This rule holds that workers' compensation was not intended to protect against
27 perils coming to and/or leaving work. There are, however, exceptions to that rule.
28

1 If an injury occurs off the employer's premises, it is typically not considered
2 compensable, subject to several exceptions. The underlying principle of these exceptions is that
3 the "course of employment" should extend to any injury which occurred at a point where the
4 employee was within range of dangers associated with his employment.

5 **Benefit to Employer**

6 One exception to the Coming and Going Rule is referred to as the Employer's
7 Conveyance exception,. This general rule is that when the journey to or from work is made in the
8 employer's conveyance, the journey is in the course of employment. Examples of this rule is
9 usually seen where the Employee is using the Company's vehicle or that the Employer pays for
10 the Claimant's use of his own vehicle.

11 The reason for this exception is that the Claimant is placed at risks of the
12 employment, since the risk are under the employer's control. Courts look at factors such as (a)
13 does the Claimant drive a company vehicle, (b) does the Employer pay for the Claimant's gas or
14 mileage if the Claimant drives his own vehicle, (c) is the Claimant on call. The Court would look
15 at the nature of the employment and the type of business as factors in determining if the Claimant
16 was on call, or (d) does the Claimant's act of driving provide to the Employer a benefit.

17 In Evans v. Southwest Gas Corp., 108 Nev. 1002, 842 P.2d 719 (1992), the
18 Supreme Court held an employee may still be within the course and scope of his employment
19 when the travel to or from work confers a **distinct benefit** upon the employer or the employer
20 exercised significant control over the employee, who was on call. The claimant going shopping
21 and to dinner did not confer any benefits whatsoever upon the Employer.

22 In Evans v. Southwest Gas, the employee was provided a hand held radio and a
23 radio in his van. 108 Nev. 1002 (1992). The employee was allowed to take the van home in order
24 to respond to emergencies. He would be notified of those emergencies via the radio or the hand
25 held radio. The employee was required to take the van home to respond to emergencies.

26 Likewise, in Tighe v. Las Vegas Metropolitan Police Dept., 110 Nev. 632, 877
27 P.2d. 1032 (1994), the Court found that an undercover narcotics officer who was driving home
28 and subject to his employer's control at the time of the accident, was entitled to worker's

1 compensation benefits. The Tighe Court created the "law enforcement" exception.

2 The Tighe Court further explained the Nevada position on this issue. 110 Nev. 632
3 (1994). The Court held that exceptions to the going and coming rule include Evans and Tighe
4 because the employee was "subject to his employer's control" and was driving the employer's
5 vehicle. The key to both of these cases is control. Evans mentions the two forms of radios and
6 Tighe cites to the employee's car radio and beeper. The Court even stated that since Tighe was
7 driving a police vehicle equipped with a police radio, he was "on call". Id. at 636. Interestingly,
8 the Court also held that "Tighe made no diversion for personal purposes, nor can we reweigh the
9 evidence". Id.

10 In this case the Employer had no control over where the Claimant stayed at or when
11 he arrived. The only requirement was that he was present at the Oil and Gas Convention in
12 Houston Texas on March 30.

13 A more recent Nevada Supreme Court case that looked at this issue is Bob Allyn
14 Masonry v Murphy 124 Nev. Adv. Op. No 27 (2008). In this case the Court looked at a Claimant
15 that was injured while departing from the job site. The Court held that the Claimant's injuries
16 should be covered as a workers compensation claim.

17 The Court held:

18 On his day off, respondent David Murphy, at his
19 employer's request, delivered equipment from his
20 employer's construction yard to his employer's job
21 site. After departing from the job site, he was
22 injured in an automobile accident. In this opinion,
23 we consider whether the injuries of an employee
24 who, like Murphy, is involved in a vehicular accident
25 while on the return journey of a special errand
26 undertaken at the employer's request, arise out of and
27 in the course of employment, entitling the employee
28 to workers' compensation benefits. In so doing, we
adopt the street-risk rule, which provides that, when
an employee is required to drive as a component of
employment, the risks and hazards associated with
the roadways are incident to that employment, and
thus injuries sustained due to risks associated with
those roadways arise out of the employment. We
also clarify that our workers' compensation
jurisprudence includes an employee's return journey
within the special errand exception to the going and
coming rule, which provides that, even though going

1 and coming from work generally is not in the course
2 of employment, an employee is acting within the
3 course of employment when completing a "special
4 errand" for the employer. Thus, depending upon the
facts, an employee's injuries sustained in a vehicular
accident during the return journey of a special errand
may arise out of and in the course of employment

5 In the case before this Bar the Claimant was not performing a special errand for the
6 Employer at the time of his death while operating an ATV. Additionally the accident was not on
7 public roads but on his friend's property.

8 **Preparation for Employment**

9 The Claimant has argued that the Claimant was staying at his friends ranch to
10 benefit the Claimant's employment because it allowed the Claimant an opportunity to prepare with
11 his friend and fellow participant for the next day presentation which benefited the Claimant's
12 employer's interest.

13 The Nevada Supreme Court looked at a case where an employee was injured while
14 preparing the area for him to stay while he perform his job duties for his Employer the next day.
15 Costley v NIC 53 Nev. 219, 296 Pac. 1011 (1931) The Nevada Supreme Court held that a miner
16 hurt while setting up his tent on Employer's premise day before he was to start work was
17 incidental to employment. The difference with this case and Costley is Buma's accident did not
18 occur on the Employer's premise or the act of performing a recreational activity while riding the
19 vehicle did not constitute preparing for the presentation for the next day. The act that caused the
20 Claimant's death was operating a recreational vehicle and not conversing with his friend in the
21 preparation of the next day event. It was purely a personal activity with no benefit to his
22 Employer.

23 Moreover operating the ATV was not a requirement of the Claimant's employment
24 nor did the Claimant's death arise out of a hazard arising from or incidental to the Claimant's
25 employment. Finally the Claimant's Employer did not own, maintain or provide the recreational
26 vehicle to the Claimant.

27 ///

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1 **Employer reimburses for Employee's travel**

2 The Claimant next argues that his travel is paid for by his Employer. Therefore the
3 Claimant would be covered under the Nevada Workers Compensation Act during the entire time
4 period that the Claimant traveled for his Employer and until he reaches back at his home.

5 However the Claimant chose to stay at his friend's ranch home and the Employer
6 did not require the Claimant to stay over at the ranch home rather than a hotel. The Claimant's
7 decision where to stay was the Claimant's own discretion and the Employer had no input.

8 The Claimant cannot prove that the Employer had any control over the Claimant's
9 actions or behavior while the Claimant stayed with his friend.

10 Therefore the Claimant's accident did not occur while the Claimant was performing
11 a job duty and was not during an act that the Claimant was performing that would constitute
12 performing a job duty during the course and scope of employment. The Claimant's claim should
13 be denied under this analysis.

14 4. The Claimant met his unfortunate demise during a purely recreational ATV
15 ride at a friend's home. There was no company event held at the location of the accident on
16 March 29, 2015, and there was no requirement that Claimant ride the ATV as part of his work
17 responsibilities. His next scheduled work activities were the next day at 8:30 a.m. and 9:30 a.m.

18 In Nevada, the Supreme Court has defined the term "arose out of," as contained in
19 NRS 616C.150, to mean that there is a causal connection between the injury and the employee's
20 work. In other words, the injured party must establish a link between the workplace conditions
21 and how those conditions caused the injury.

22 The Nevada Supreme Court has held that:

23 An accident or injury is said to arise out of employment when there
24 is a causal connection between the injury and the employee's work .
25 . . the injured employee must establish a link between the workplace
26 conditions and how those conditions caused the injury . . . a claimant
must demonstrate that the origin of the injury is related to some risk
involved within the scope of employment.

27 Rio Suite Hotel v. Gorsky, 113 Nev. 600 (1997).

28 The origin of the unfortunate fatal ATV riding accident had no associated industrial

1 risk or hazard arising out of the course and scope of the employment of Claimant.

2 **Recreational activity**

3 The Claimant will next argue that the use of the ATV was a recreational event and
4 benefited the Employer. The Nevada Supreme Court held in Nevada Industrial Commn v Dixon
5 77 Nev. 296, 362 P.2nd 577 (1961) that an employee injured while riding a bike that was provided
6 by the Employer on her lunch break was covered under workers compensation because the
7 Employer "encouraged" and it was a regular incident of employment.

8 The case before this Bar is distinguishable. In the case before this Bar the Employer
9 did not provide to the Claimant the ATV nor did they encourage it. It simply was not a regular
10 incident of employment.

11 **Exercise**

12 The Claimant may then argue that a recreational activity helped the Claimant relax
13 which would benefit his Employer's interest since the Claimant would perform better the next day
14 after he was fully relaxed.

15 The Nevada Supreme Court has looked at the issue of an employee voluntarily
16 exercising to improve the employees health and whether that activity has a benefit to the
17 Employer.

18 The Nevada Supreme Court held in Washoe County v Hunt 109 Nev. 823, 858 P.
19 2nd 46 (1993) that a police officer jogging on his own time was not covered as a work related
20 injury.

21 The Appeals Officer finds that none of the cases cited by the Claimant can be
22 stretched to include the ATV ride as work related. The ATV ride neither occurred in the course of
23 nor arose out of his employment. The Larson's "traveling employee" doctrine does not apply to
24 the specific facts of this case. The ATV ride was clearly "a distinct departure on a personal
25 errand." The risks associated with an ATV ride were not "associated with the necessity of eating,
26 sleeping, and ministering to personal needs away from home." Nor was Claimant "subjected to
27 hazards he would otherwise have the option of avoiding." Claimant was not under his employer's
28 control while at his friend's ranch, nor was the ATV ride prior to dinner "a reasonable activity

1 designed for personal comfort, such as stretching or using the restroom.” The ATV ride was an
2 unreasonable or extraordinary deviation. Even if it could be said that the ATV ride occurred in the
3 course of his employment, it fails to meet the requirements outlined in Phillips.

4 The Claimant relies on a misinterpretation of the Phillips case to bolster his
5 argument that the ATV ride arose out of his employment. Phillips explains that the first step is to
6 determine the type of risk faced by the employee. There are three types of risks: solely
7 employment related, purely personal and those that are neutral.

8 The ATV ride is clearly not an employment related risk and therefore either the ride
9 is purely personal (and therefore not work related) or a neutral risk. If a neutral risk, the Nevada
10 Supreme Court has opined that it must be evaluated under the “increased risk test.”

11 “Under the increased risk test, an employee may recover if she is exposed to a risk
12 greater than that to which the general public is exposed.” Phillips 126 Nev. Adv. Op. No. 34, page
13 10. Claimant was not exposed to greater risk than the general public during an ATV ride. The
14 question is not whether an ATV ride is inherently dangerous, but rather was the ATV ride riskier
15 for Claimant than the general public involved in the same activity.

16 In the case before this Bar the Claimant cannot establish a connection between the
17 Claimant’s use of a recreational vehicle and his employment. There simply is no connection or
18 benefit to the Employer from the Claimant’s use of an ATV.

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III.

DECISION AND ORDER

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Claimant has failed to meet his burden in establishing entitlement to a compensable claim.

IT IS FURTHER ORDERED that the October 23, 2015 Hearing Officer's Decision and Order that affirmed the Administrator's determination dated June 25, 2015, informing Mrs. Buma that Claimant's claim was denied, is AFFIRMED.

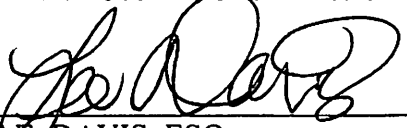
DATED this 7th day of ~~January~~^{February}, 2017.

APPEALS OFFICER


LORNA L. WARD, ESQ.

Submitted by,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: 
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Las Vegas, NV 89102
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Attorneys for the Administrator

NOTICE: Pursuant to NRS 616C.370, should any party desire to appeal this final decision of the Appeals Officer, a Petition for Judicial Review must be filed with the District Court within thirty (30) days after service of this Order.

NEVADA DEPARTMENT OF ADMINISTRATION

Law Offices of Diaz & Galt

BEFORE THE APPEALS OFFICER

APR 06 2016

In the Matter of the Contested
Industrial Insurance Claim

Claim No.: E2C12430

Hearing No.: 53765-SA

Appeal No.: 54752-LLW

JASON BUMA (DECEASED)
c/o THE ESTATE OF JASON BUMA
1951 ROLLING BROOK LANE
RENO, NV 89519,

Employer:
PROVIDENCE CORP. DEVELOPMENT
dba MILLER HEIMAN, INC.
10509 PROFESSIONAL CIRCLE
RENO, NV 89521

Claimant.

DOH: 04/13/16 at 10:00 a.m.

ADMINISTRATOR'S INDEX OF DOCUMENTS

COMES NOW the Third-Party Administrator, GALLAGHER BASSETT, on
behalf of CNA CLAIMPLUS, by and through its counsel, LEE E. DAVIS, ESQ., and LEWIS
BRISBOIS BISGAARD & SMITH LLP, and submits the attached Index of Documents relating
to the above-referenced matter.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the attached exhibits do not contain the
personal information of any person.

DATED this 13 day of April, 2016.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH LLP

By:

LEE E. DAVIS, ESQ.
Nevada Bar No. 3932
2300 W. Sahara Avenue, Ste. 300, Box 28
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Attorneys for Administrator

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Employer's email to claims adjuster dated 06/08/15	19-21
Determination letter regarding claim denial dated 06/25/15	22-23
Letter of introduction dated 06/26/15	24
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CERTIFICATE OF MAILING

Pursuant to Nevada Rules of Civil Procedure 5(b), I hereby certify that service of the foregoing **ADMINISTRATOR'S INDEX OF DOCUMENTS** was made this date by depositing a true and correct copy of the same for mailing, postage prepaid thereon, in an envelope to the following:

Charles Diaz, Esq.
Diaz & Galt
443 Marsh Avenue
Reno, NV 89509

Providence Corp. Development
dba Miller Heiman, Inc.
10509 Professional Circle
Reno, NV 89521

Gallagher Bassett
PO Box 400970
Las Vegas, NV 89140

CNA ClaimPlus
Attn: Betty Diaz
PO Box 8317
Chicago, IL 60680

DATED this 4th day of April, 2016.


An employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP

EMPLOYEE'S CLAIM FOR COMPENSATION/REPORT OF INITIAL TREATMENT

FORM C-4
PLEASE TYPE OR PRINT

EMPLOYEE'S CLAIM - PROVIDE ALL INFORMATION REQUESTED						
First Name <u>Jason</u>	M.I. <u>R.</u>	Last Name <u>Buma</u>	Birthdate <u>5/21/68</u>	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Claim Number (Insurer's Use Only)	
Home Address <u>1951 Rolling Brook Ln</u>			Age <u>46</u>	Height <u>5'10"</u>	Weight <u>190</u>	Social Security Number
City <u>Reno</u>	State <u>NV</u>	Zip <u>89519</u>	Telephone <u>775-828-0968</u>			
Physical Address <u>1951 Rolling Brook Ln</u>			City <u>Reno</u>	State <u>NV</u>	Zip <u>89519</u>	Primary Language Spoken <u>english</u>
INSURER <u>Gallagher Bassett</u>		THIRD-PARTY ADMINISTRATOR		Employee's Occupation (Job Title) When Injury or Occupational Disease Occurred <u>VP Sales</u>		
Employer's Name/Company Name <u>Miller Heiman</u>					Telephone	
Office Mail Address (Number and Street) <u>10509 Professional Circle Reno, NV 89521</u>						
Date of Injury (if applicable) <u>3/29/15</u>	Hours Injury (if applicable) am pm	Date Employer Notified <u>3/29/15</u>	Last Day of Work After Injury or Occupational Disease <u>3/29/15</u>	Supervisor to Whom Injury Reported <u>Byron Matthews</u>		
Address or Location of Accident (if applicable) <u>Hurcules Rd, Carmine TX 78932</u>						
What were you doing at the time of the accident? (if applicable)						
How did this injury or occupational disease occur? (Be specific and answer in detail. Use additional sheet if necessary) <u>Fell off ATV</u>						
If you believe that you have an occupational disease, when did you first have knowledge of the disability and its relationship to your employment?					Witnesses to the Accident (if applicable)	
Nature of Injury or Occupational Disease <u>death</u>			Part(s) of Body Injured or Affected <u>head</u>			
<small>I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE PROVIDED THIS INFORMATION IN ORDER TO OBTAIN THE BENEFITS OF NEVADA'S INDUSTRIAL INSURANCE AND OCCUPATIONAL DISEASES ACTS (NRS 616A TO 616D, INCLUSIVE OR CHAPTER 617 OF NRS). I HEREBY AUTHORIZE ANY PHYSICIAN, CHIROPRACTOR, SURGEON, PRACTITIONER, OR OTHER PERSON, ANY HOSPITAL, INCLUDING VETERANS ADMINISTRATION OR GOVERNMENTAL HOSPITAL, ANY MEDICAL SERVICE ORGANIZATION, ANY INSURANCE COMPANY, OR OTHER INSTITUTION OR ORGANIZATION TO RELEASE TO EACH OTHER, ANY MEDICAL OR OTHER INFORMATION, INCLUDING BENEFITS PAID OR PAYABLE, PERTINENT TO THIS INJURY OR DISEASE, EXCEPT INFORMATION RELATIVE TO DIAGNOSIS, TREATMENT AND/OR COUNSELING FOR AIDS, PSYCHOLOGICAL CONDITIONS, ALCOHOL OR CONTROLLED SUBSTANCES, FOR WHICH I MUST GIVE SPECIFIC AUTHORIZATION. A PHOTOSTAT OF THIS AUTHORIZATION SHALL BE AS VALID AS THE ORIGINAL.</small>						
Date <u>5/27/15</u>	Place <u>Reno, NV</u>	Employee's Signature <u>Kan Buma</u>				
THIS REPORT MUST BE COMPLETED AND MAILED WITHIN 3 WORKING DAYS OF TREATMENT						
Place		Name of Facility				
Date	Diagnosis and Description of Injury or Occupational Disease		Is there evidence that the injured employee was under the influence of alcohol and/or another controlled substance at the time of the accident? <input type="checkbox"/> No <input type="checkbox"/> Yes (if yes, please explain)			
Hour						
Treatment:		Have you advised the patient to remain off work five days or more? <input type="checkbox"/> Yes Indicate dates: from _____ to _____ <input type="checkbox"/> No If no, is the injured employee capable of: <input type="checkbox"/> full duty <input type="checkbox"/> modified duty If modified duty, specify any limitations/restrictions: _____				
X-Ray Findings:						
From information given by the employee, together with medical evidence, can you directly connect this injury or occupational disease as job incurred? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Is additional medical care by a physician indicated? <input type="checkbox"/> Yes <input type="checkbox"/> No						
Do you know of any previous injury or disease contributing to this condition or occupational disease? <input type="checkbox"/> Yes <input type="checkbox"/> No (Explain if yes)						
Date	Print Doctor's Name		I certify that the employer's copy of this form was mailed to the employer on:			
Address			INSURER'S USE ONLY			
City	State	Zip	Provider's Tax I.D. Number	Telephone		
Doctor's Signature			Degree			

Diaz Galt

ATTORNEYS AT LAW

May 11, 2015

Gallagher Bassett Services, Inc.
Post Office Box 400970
Las Vegas, NV 89140

Attn: Jacqueline Guzon

NOTICE OF REPRESENTATION AND DEATH

Claimant	:	JASON BUMA (Deceased)
Claim No.	:	E2C12430
Date of Death	:	03/29/2015

Dear Ms. Guzon:

This office has been retained by Kaycean Buma and her fourteen year old daughter, Delaney Buma, to represent them in a claim for death benefits as a result of the death of Jason Buma, on March 29, 2015, in Washington County, Texas, while in the course and scope of his employment with Miller Heiman, Inc. Please consider this as formal notice of his death pursuant NRS 616C.015.

I have attached a C-4 Form, a copy of the death certificate, a copy of Mr. and Mrs. Buma's marriage license, the Texas Peace Officer's Crash Report and the reports provided by the initial responders.

I request a complete copy of the claims file.

Please forward a determination in response to this claim for death benefits in writing so, that we have the ability to proceed formally. This claim was originally referred to The Hartford, due to erroneous information provided to us by the employer.

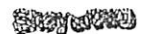
If you have any questions please do not hesitate in contacting our office.

Sincerely,



Charles C. Diaz
Attorney at Law

CCD/hlp
cc: Kaycean Buma
Enclosures



JUN 01 2015

STATE OF TEXAS

CERTIFICATION OF VITAL RECORD

DEPARTMENT OF STATE HEALTH SERVICES VITAL STATISTICS UNIT

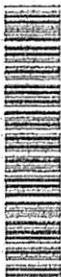
TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER 142-15-045538

1. LEGAL NAME OF DECEASED (Include ANA, J and M, Maiden, Last)		2. DATE OF DEATH (Actual or Presumed)	
JASON ROGER BUMA		MARCH 29, 2015	
3. SEX	4. DATE OF BIRTH (mm-dd-yyyy)	5. AGE - Last Birthday (Years)	6. BIRTHPLACE (City & State or Foreign Country)
MALE	MAY 21, 1968	46	SALT LAKE CITY, UT
7. SOCIAL SECURITY NUMBER		8. MARITAL STATUS AT TIME OF DEATH	9. SURVIVING SPOUSE'S NAME (If wife, give name prior to first marriage)
		<input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown	KAYCEAN BROOKS
10a. RESIDENCE STREET ADDRESS		10b. CITY OR TOWN	10c. STATE
1951 ROLLING BROOK LANE		RENO	NEVADA
10d. COUNTY	10e. ZIP CODE	10f. INSIDE CITY LIMITS?	
WASHOE	89519	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11. FATHER'S NAME		12. MOTHER'S NAME PRIOR TO FIRST MARRIAGE	
ROGER BRENT BUMA		RANAE COON	
13. PLACE OF DEATH (CHECK ONLY ONE)			
<input type="checkbox"/> If death occurred in a hospital: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DCA <input type="checkbox"/> If death occurred somewhere other than a hospital: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify) <input type="checkbox"/> ACCIDENT SCENE			
14. COUNTY OF DEATH	15. CITY/TOWN, ZIP (If outside city limits, give precise location)	16. FACILITY NAME (If not institution, give street address)	
WASHINGTON	CARMINE, 76932	3489 HERCULES ROAD	
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED		18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code)	
KAYCEAN BUMA - WIFE		1951 ROLLING BROOK LANE, RENO, NV 89519	
19. METHOD OF DISPOSITION		20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH	
<input type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input checked="" type="checkbox"/> Removal from state <input type="checkbox"/> Other (Specify)		KAREN S ANDERSON, BY ELECTRONIC SIGNATURE 11807	
21. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)		22. LOCATION (City/Town, and State)	
CREMATION SIERRA CREMATORY		RENO, NV	
23. NAME OF FUNERAL FACILITY		24. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code)	
BRENNHAM MEMORIAL CHAPEL		2300 STRINGER STREET, BRENNHAM, TX 77833	
25. CERTIFIER (Check only one)			
<input type="checkbox"/> Certifying physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Medical Examiner/Judge of the Peace - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated.			
26. SIGNATURE OF CERTIFIER		27. DATE CERTIFIED (mm-dd-yyyy)	28. LICENSE NUMBER
DOUGLAS CONE, BY ELECTRONIC SIGNATURE		MARCH 31, 2015	08:14 PM
29. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code)		30. TIME OF DEATH (Actual or presumed)	
DOUGLAS CONE 4260 SAUSAGE LANE, CHAPPELL HILL, TX 77426		JP 2	
31. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH.			
IMMEDIATE CAUSE (Final disease or condition resulting in death)			
a. BLUNT FORCE TRAUMA TO THE HEAD			
Due to (or as a consequence of):			
b. _____			
Due to (or as a consequence of):			
c. _____			
Due to (or as a consequence of):			
d. _____			
32. PART 2. ENTER OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH - BUT NOT RESULTING IN THE UNDERLYING			
33. WAS AN AUTOPSY PERFORMED?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
35. MANNER OF DEATH		36. IF FEMALE:	
<input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined		<input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to one year before death <input type="checkbox"/> Unknown if pregnant within the past year	
37. DID TOXICOLOGIC CONTRIBUTION TO DEATH?		38. IF TRANSPORTATION INJURY, SPECIFY:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)	
39a. DATE OF INJURY (mm-dd-yyyy)	39b. TIME OF INJURY	39c. INJURY AT WORK?	39d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area)
MARCH 29, 2015	06:00 PM	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3489 HERCULES ROAD
39e. LOCATION (Street and Number, City, State, Zip Code)		39f. COUNTY OF INJURY	
HERCULES ROAD, CARMINE, TX 76932		WASHINGTON	
40. DESCRIBE HOW INJURY OCCURRED			
FLIP ATV AROUND A CURVE			
41a. REGISTRATION FILE NO.	41b. DATE RECEIVED BY LOCAL REGISTRAR	41c. REGISTRAR	
01-90	MARCH 31, 2015	REGISTRAR - WASHINGTON COUNTY CLERK, ELECTRONICALLY FILED	
EDR NUMBER 00001082427			



QA05887648

VS-112 REV 12/2005



This is a true and correct reproduction of the original record as recorded in this office. Issued under authority of Section 191.051, Health and Safety Code.

ISSUED APR 02 2015

WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

Geraldine R. Harris
GERALDINE R. HARRIS
STATE REGISTRAR



PLEASE RETURN ORIGINAL TO CLERK OF THE COURT IMMEDIATELY,
VIOLATORS SUBJECT TO SANCTIONS UNDER TITLE 4 V.I.C. SEC. 40,
VIRGIN ISLANDS OF THE UNITED STATES

LICENSE AND CERTIFICATE OF MARRIAGE

TYPE/PRINT
IN
PERMANENT
BLACK INK
FOR
INSTRUCTIONS
SEE
HANDBOOK

LICENSE NUMBER 2013/1996

STATE FILE NUMBER

GROOM

1. GROOM'S NAME (First, Middle, Last) JASON ROGER BUMA		2. AGE LAST BIRTHDAY 28	
3a. RESIDENCE—CITY, TOWN, OR LOCATION 1557 SOUTH MARSH, RENO		3b. COUNTY OR ISLAND WASHOE	
3c. STATE NEVADA	4a. BIRTHPLACE (State or Foreign Country) SALT LAKE CITY, UTAH	4b. DATE OF BIRTH (Month, Day, Year) MAY 21, 1968	
5a. FATHER'S NAME (First, Middle, Last) ROGER BRENT BUMA	5b. BIRTHPLACE (State or Foreign Country) UTAH	7a. MOTHER'S NAME (First, Middle, Maiden Surname) RENAE COON	7b. BIRTHPLACE (State or Foreign Country) UTAH

BRIDE

8a. BRIDE'S NAME (First, Middle, Last) KAYCEAN BROOKS		8b. MAIDEN SURNAME (If different) same as 8a		9. AGE LAST BIRTHDAY 31
10a. RESIDENCE—CITY, TOWN, OR LOCATION 5899 SHADOW PARK DRIVE., RENO		10b. COUNTY OR ISLAND WASHOE		
10c. STATE NEVADA	11a. BIRTHPLACE (State or Foreign Country) CARSON CITY, NEVADA	11b. DATE OF BIRTH (Month, Day, Year) AUGUST 28, 1965		12. DATE OF BIRTH (Month, Day, Year)
13a. FATHER'S NAME (First, Middle, Last) JOHN FRANKLIN BROOKS	13b. BIRTHPLACE (State or Foreign Country) NEVADA	14a. MOTHER'S NAME (First, Middle, Maiden Surname) FRANCES JOANNE MC FARLANE	14b. BIRTHPLACE (State or Foreign Country) COLORADO	

SIGNATURES

WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF
AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS STATE.

15. GROOM'S SIGNATURE <i>Jason R. Buma</i>	16. BRIDE'S SIGNATURE <i>Kaycean Brooks</i>
---	--

PERMITS TO MARRY

This License Authorizes the Marriage in This State of the Parties Named Above By Any Person Duly Authorized to Perform a Marriage Ceremony Under the Laws of the State of THE VIRGIN ISLANDS—UNIVERSAL LIFE CHURCH		17. EXPIRATION DATE (Month, Day, Year) MARCH 17, 1997
18. SUBSCRIBED TO AND SWORN TO BEFORE ME ON: (Month, Day, Year) DECEMBER 17, 1996	19. SIGNATURE OF ISSUING OFFICIAL <i>Lorayne Liase</i>	20. TITLE OF ISSUING OFFICIAL JUDGE

CEREMONY

21. I CERTIFY THAT THE ABOVE NAMED PERSONS WERE MARRIED ON: (Month, Day, Year) <i>December 17, 1996</i>	22a. WHERE MARRIED—CITY, TOWN, OR LOCATION <i>Emerald Beach</i>	22b. ISLAND <i>St. Thomas</i>
22a. SIGNATURE OF PERSON PERFORMING CEREMONY <i>Debra N. Williams</i>	23a. NAME (Type/Print) <i>Debra Williams</i>	23c. TITLE <i>Minister</i>
23d. ADDRESS OF PERSON PERFORMING CEREMONY (Street and Number or Rural Route Number, City or Town, State, Zip Code) <i>16B Crown Bay Suite 310 St. Thomas USVI 00802</i>		
24a. SIGNATURE OF WITNESS TO CEREMONY <i>Marvin Smith</i>	24b. SIGNATURE OF WITNESS TO CEREMONY <i>Patrice Pray</i>	

LOCAL OFFICIAL

25. SIGNATURE OF COURT/REGISTRATION OFFICIAL <i>Yvonne V. Wesselhoff</i> CLERK OF THE TERRITORIAL COURT	26. DATE FILED BY COURT (Month, Day, Year) 12/19/96
---	---

CERTIFIED A TRUE COPY

Date *Sub 15, 1997*

YVONNE V. WESSELHOFF
Clerk of the Court

BY *Regina M. L. L. L.*
Deputy

JUN 01 2015

☒ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE SCHOOL ZONE

Total Num. Units	1	Total Num. Prns.	1	TxDOT Crash ID	14370519.1 /2015138407
------------------------	---	------------------------	---	-------------------	---------------------------



Texas Peace Officer's Crash Report (Form CR-3 1/1/2015)
 Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457
 Refer to Attached Code Sheet for Numbered Fields

*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

Page 1 of 2

Crash Date (MM/DD/YYYY) 03 / 29 / 2015		Crash Time (24HRMM) 1 7 4 9		Case ID		Local Use	
County Name WASHINGTON				City Name		<input checked="" type="checkbox"/> Outside City Limit	
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees) 3 0 1 8 8 9 9		Longitude (decimal degrees) 0 9 6 6 9 7 0 6	
ROAD ON WHICH CRASH OCCURRED							
1 Rwy. CR Sys.		Hwy. Num.		2 Rwy. Part 1		Block Num.	
3 Street Prefix		Street Name HERCULES		4 Street Suffix RD			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/Toll Lane		Speed Limit 45	
Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.	
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER							
At Int. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Rwy. CR Sys.		Hwy. Num.		2 Rwy. Part 1	
3 Street Prefix		Street Name HARTSTACK		4 Street Suffix RD			
Distance from Int. or Ref. Marker 0.4		<input type="checkbox"/> FT <input checked="" type="checkbox"/> MI		3 Dir. from Int. or Ref. Marker E		Reference Marker	
Street Desc.		RRX Num.					
Unit Num. 1		5 Unit Desc. 1		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run	
LP State		LP Num.		VIN 4 X A M H 5 0 A 0 A 0 1 2 2 8 1			
Veh. Year 2 0 1 0		6. Veh. Color GRN		Veh. Make POLARIS		Veh. Model SPORTSMAN	
7 Body Style 98		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DLID Type 1		DLID State NV		DLID Num. 0701776319		9 DL Class 98	
10 CDL End. 96		11 DL Rest. 98		DOB (MM/DD/YYYY) 0 5 / 2 1 / 1 9 6 8			
Address (Street, City, State, ZIP) 1951 ROLLING BROOK LN RENO, NV 89519							
Person Num. 1		12 Psn. Type 5		13 Seat Position 1		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity K		Age 46		15 Ethnicity W		16 Sex 1	
17 Eject. 97		18 Restr. 97		19 Airbag 97		20 Helmet 1	
21 Sol. N		22 Alc. Spec. 96		Alc. Result		23 Drug Spec. 96	
24 Drug Result 97		25 Drug Category 97					
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
<input checked="" type="checkbox"/> Owner		Owner/Lessee Name & Address O'CALLAGHAN, MICHAEL J, 3489 HERCULES RD CARMINE, TX 78932					
<input type="checkbox"/> Lessee							
Proof of Fin. Resp. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		M C 1		27 Vehicle Damage Rating 2	
Towed By		RODE FROM SCENE BY OWNER		Towed To		RODE FROM SCENE BY OWNER	
Unit Num.		5 Unit Desc.		<input type="checkbox"/> Parked Vehicle		<input type="checkbox"/> Hit and Run	
LP State		LP Num.		VIN			
Veh. Year		6. Veh. Color		Veh. Make		Veh. Model	
7 Body Style		<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)					
8 DLID Type		DLID State		DLID Num.		9 DL Class	
10 CDL End.		11 DL Rest.		DOB (MM/DD/YYYY)			
Address (Street, City, State, ZIP)							
Person Num.		12 Psn. Type		13 Seat Position		Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line	
14 Injury Severity		Age		15 Ethnicity		16 Sex	
17 Eject.		18 Restr.		19 Airbag		20 Helmet	
21 Sol.		22 Alc. Spec.		Alc. Result		23 Drug Spec.	
24 Drug Result		25 Drug Category					
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.							
<input type="checkbox"/> Owner		Owner/Lessee Name & Address					
<input type="checkbox"/> Lessee							
Proof of Fin. Resp. <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Expired <input type="checkbox"/> Exempt		26 Fin. Resp. Type		Fin. Resp. Name	
Fin. Resp. Phone Num.		27 Vehicle Damage Rating 1		M C		27 Vehicle Damage Rating 2	
Towed By		Towed To					

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HR:MM)
	1	1	2300 STRINGER ST BRENNHAM, TX	MEMORIAL CHAPEL FUNERAL HOME	03/29/2015	1 8 1 3

CHARGES	Unit Num.	Prsn. Num.	Charge	Chatter/Reference Num.

DAMAGE	Damaged Property Other Than Vehicles	Owner's Name	Owner's Address

CMV	Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.	30 Veh. Type						
	31 Bus Type		<input type="checkbox"/> RGWW	<input type="checkbox"/> GVWR		HazMat Released	<input type="checkbox"/> Yes	<input type="checkbox"/> No	32 HazMat Class Num.	HazMat ID Num.		33 Cargo Body Style					
Trailer 1	Unit Num.	<input type="checkbox"/> RGWW	<input type="checkbox"/> GVWR		34 Trlr. Type	CMV Disabling Damage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Trailer 2	Unit Num.	<input type="checkbox"/> RGWW	<input type="checkbox"/> GVWR		34 Trlr. Type	CMV Disabling Damage?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sequence Of Events	35 Seq. 1		35 Seq. 2		35 Seq. 3		35 Seq. 4										

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)				37 Vehicle Defects (Investigator's Opinion)				Environmental and Roadway Conditions							
	Unit #	Contributing	May Have Contrib.		Contributing	May Have Contrib.			38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control	
									1	1	97	1	4	7	96	

NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
	<p>UNIT 1 WAS WEST ON HERCULES ROAD. UNIT 1 WAS TRAVELING TO FAST FOR THE CURVE TO ITS LEFT. THE RIDER OF UNIT 1 WAS THROWN FROM UNIT 1 LANDING ON HIS HEAD. THE DRIVER OF UNIT 1 WAS PRONOUNCED DECEASED AT THE SCENE. THE INVESTIGATOR WAS UNABLE TO DETERMINE THE FINAL RESTING PLACE FOR UNIT 1 DUE TO IT BEING MOVED PRIOR TO THE INVESTIGATORS ARRIVAL.</p> <p style="text-align: center;">JUN 01 2015</p>	

INVESTIGATOR	Time Notified (24HR:MM)	How Notified	Time Arrived (24HR:MM)	Report Date (MM/DD/YYYY)	ID Num.
	Invest. Comp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1 7 4 9	Notified NC DISPATCH	1 7 5 6	04/02/2015
ORI	Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS				Service/Extra H. P. 2. D. 0.3