

# INTER-OFFICE MEMORANDUM

**TO:** ALL ATTORNEYS/ALL OFFICES/CLIENTS

**FROM:** JOE TRUCE

**DATE:** December 11, 2001

**RE:** WCAB PANEL HOLDS THAT DRUG TESTING AFTER AN INDUSTRIAL INJURY DOES NOT CONSTITUTE DISCRIMINATION PURSUANT TO LABOR CODE §132A

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In the case of *Ashbrook v. The Vons Company, Inc.*, GRO 23362, 23363, September 4, 2001, Order Granting Reconsideration and Decision After Reconsideration, a WCAB Panel has affirmed the Decision of the trial judge that an employer did not discriminate against applicant in violation of Labor Code §132a by requiring a drug test after an industrial injury.

In this particular case the test was given in conformity with the employer's established policy and there was no evidence that defendant deviated from it.

Although this is a panel decision of the Board it can be cited as evidence pursuant to Labor Code §5703.<sup>1</sup>

WJT:wf

Enclosure- *Ashbrook v. The Vons Company, Inc.*