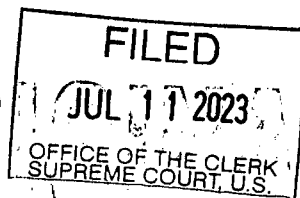


23-5622

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Ernie Savage — PETITIONER
(Your Name)

vs.

Walmart Stores INC. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeal for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

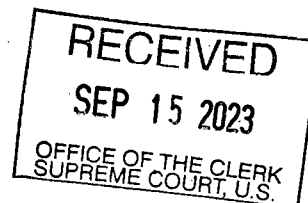
PETITION FOR WRIT OF CERTIORARI

Ernie Savage
(Your Name)

805 Ragland Drive
(Address)

Cedar Hill tx. 75104
(City, State, Zip Code)

(972) 801-8623
(Phone Number)



QUESTION (S) PRESENTED

Under what rules does Walmart Stores have the right to decide not to cover
An employee injured on the job? Why was I not paid, while off work on a
Leave of absense . Under Walmart Sedwick Claims Management Service
Insurance on the job. I was unable to file on my short term long term disability
insurance.

Because after they carefully reviewed my report. I was not covered because it
was a work injury.

Is it alright for them to make their own rules on weather to cover my work injury
That I substained while on the job on the clock working my regular shift.

Is getting hurt while at work on the clock, not considered a work injury?

Under Sedwick Management I was not able to return to work for safety reasons
And they did not have a position to accomadate me, so they requested I not
return back to work. How is that my fault.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Case # 18-9391
Josephine McGowan vs Walmart Stores
pages # 8-11

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See Attached

TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

LABOR CODE	Pg. 1-6
TITLE 5.	WORKER'S COMPENSATION
SUBTITLE A.	TEXAS WORKER'S COMPENSATION ACT
CHAPTER 408	WORKER'S COMPENSATION BENEFITS

LABOR CODE	Pg. 6
TITLE 5	WORKER'S COMPENSATION
SUBTITLE A.	TEXAS WORKER'S COMPENSATION ACT
CHAPTER 411.	WORKER'S HEALTH AND SAFETY

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at 4/14/23; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 04/14/53.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF THE CASE

I believe this could significantly aid the decisional process in this case

On November 28, 2017 I was working my normal shift at the Walmart Neighborhood Fuel Station 820 E. Belt liner Rd in Cedar Hill, Texas, 75104. When the store manager Daniel Asebcio came over to clean the outside, with the assistance of the then Fuel Station Manager Nadia. I was working with the customers on the inside. When Nadia came into the inside to get a mop, for the outside. She carried the mop outside without the mop bucket. I walker over the front of the counter to assist a customer. After assisting the customer, I started walking back behind the counter. Where I then stated slipping down behind the counter, where I hit the concrete floor. Which caused the injury to my lower back and my right arm rotator cuff tear. I went to the emergency room on November 30, 2017. Since then I have had surgery on my right arm rotator cuff repaired with screws as well as surgery on my lower back L5-S1. I am still under the doctor, for my lower back as well as on medications and having to have steroid injections in my back for chronic pain.

REASON FOR GRANTING THE PETITION

I was hurt on the job and I was not compensated properly for loss of wages, as well as I am not physically able to go back to work on any manual job due to the injuries I sustained on my job, and I've gained mental stress from the experience.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

E. Savage

Date: 9/9/2023