

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

ALFREDO ZUBIA, *Applicant*

vs.

SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendant*

**Adjudication Number: ADJ2664029
Pomona District Office**

**OPINION AND DECISION AFTER
RECONSIDERATION**

Applicant seeks reconsideration of the Findings of Fact that was issued by the workers' compensation administrative law judge (WCJ) on November 5, 2019. We granted reconsideration to study the factual and legal issues in this matter.

Following their participation in a commissioners' settlement conference set at our request, applicant and SIBTF resolved applicant's claim against SIBTF by Stipulations With Request for Award. The stipulations were filed on July 8, 2021.

WCAB Rule 10700 states that:

“The Workers' Compensation Appeals Board shall inquire into the adequacy of all compromise and release agreements and stipulations with request for award, and may set the matter for hearing to take evidence when necessary to determine whether the agreement should be approved or disapproved, or issue findings and awards.” (Cal. Code Regs., tit. 8, § 10700.)

After considering the Stipulations in light of the entire record, we conclude that they are adequate and in applicant's best interest.

We also conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, as our Decision After Reconsideration, we approve the Stipulations With Request for Award.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings of Fact issued by the WCJ on February 20, 2020 be **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulations With Request for Award filed in this matter on July 8, 2021, are **APPROVED**.

AWARD

AWARD IS MADE in favor of **ALFREDO ZUBIA** against **SUBSEQUENT INJURIES BENEFITS TRUST FUND of:**

- (1) Permanent disability indemnity and payment of benefits as specified in paragraph 5 of the Addendum to the Stipulations With Request for Award (Addendum);
- (2) Less an attorneys' fee of 15% of the award pursuant to Labor Code section 5100.5, to be held in trust pending division of the fee with prior attorneys, in accordance with paragraph 8 of the addendum;
- (3) Less credit as provided in paragraph 7 of the Addendum;
- (4) In accordance with paragraph 9 of the Addendum, payment under the award is subject to annual increases pursuant to Labor Code section 4659(c) ;
- (5) In accordance with paragraph 9 of the Addendum, any payment from SIBTF is contingent upon the availability of funds to pay this claim and the authority to make payments.

(6) Payment of the award is considered timely, with interest included on all sums payable under the award, if paid as specified in paragraph 9 of the Addendum.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ DIEDRA LOWE, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 16, 2021

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.

**ALFREDO ZUBIA
PEREZ LAW
OFFICE OF THE DIRECTOR-LEGAL UNIT
SIBTF**

RN/abs

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. *abs*