

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

JENNIFER SILLEN, *Applicant*

vs.

**HARBORS ENVIRONMENTAL SERVICES, INC. and ACE INSURANCE CO.,
adjusted by SEDGWICK, *Defendants***

**Adjudication Number: ADJ15312431
Oakland District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate, we will grant reconsideration, rescind the WCJ's decision, and return this matter to the WCJ for further proceedings and decision. This is not a final decision on the merits of any issues raised in the petition and any aggrieved person may timely seek reconsideration of the WCJ's new decision.

For the foregoing reasons,

IT IS ORDERED that reconsideration of the decision of September 7, 2022 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the decision of September 7, 2022 is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ MARGUERITE SWEENEY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 28, 2022

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

**JENNIFER SILLEN
WRIGHT & FALLS
LAUGHLIN, FALBO, LEVY & MORESI**

AS/ara

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

**REPORT AND RECOMMENDATION ON
PETITION FOR RECONSIDERATION**

INTRODUCTION

By a timely and verified Petition for Reconsideration (Petition) filed on September 29, 2022, applicant seeks reconsideration of my September 7, 2022 Award, which did not include a provision for an attorney's fee, as it was based upon Stipulations with Request for Award which were completed without the participation of applicant's counsel, and did not provide for an attorney's fee.

Subsequently, the parties entered into Stipulations with Request for Award with the participation of applicant's attorney, which was submitted into EAMS on November 9, 2022. The parties also submitted a joint letter on November 9, 2022, advising the Appeals Board of the newly filed Stipulations with Request for Award, and a request that that November 9, 2022 Stipulations be approved.

Based upon my review of the record, I recommend that reconsideration be granted, that the September 7, 2022 Award be rescinded, so that the matter be returned to me at the trial level in order to issue a new Award based upon the November 9, 2022 Stipulations with Request for Award.

RECOMMENDATION

Based upon the foregoing, it is respectfully recommended that reconsideration be **GRANTED**, that the September 7, 2022 Award be **RESCINED**, and that the matter be **RETURNED** to the trial level in order for the undersigned to issue a new Award based upon the November 9, 2022 Stipulations with Request for Award.

Dated: November 17, 2022

JAMES GRIFFIN
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE