

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

**CARLOS HERNANDEZ, *Applicant***

**vs.**

**WATTRANS; CALIFORNIA INSURANCE GUARANTEE ASSOCIATION,  
on behalf of CASTLEPOINT NATIONAL INSURANCE COMPANY,  
in liquidation; SEDGWICK, *Defendants***

**Adjudication Number: ADJ8380057  
Los Angeles District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

On May 13, 2021, we granted reconsideration<sup>1</sup> of a March 25, 2021 Findings and Award and Order issued by the workers' compensation administrative law judge (WCJ) in this matter. In that decision, the WCJ found that lien claimant Pain Management Care's services were not shown to have been reasonably necessary to cure or relieve the applicant from the effects of the industrial injury. The WCJ Ordered the lien of Pain Management Care be disallowed.

The WCJ also found that the services of Dental Trauma Center were reasonably required to cure or relieve applicant from the effects of the industrial injury and ordered Dental Trauma Center be reimbursed for their services, with jurisdiction reserved over any dispute as to the proper reimbursement rate.

Defendant, California Insurance Guarantee Association (CIGA) by its servicing facility Sedgwick CMS, on behalf of Castlepoint National Insurance Company, in liquidation, petitioned for reconsideration of this Findings and Award and Order as it related to the Award to Dental Trauma Center for their services.

There was no Petition for Reconsideration filed by lien claimant Pain Management Care.

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<sup>1</sup> Commissioner Deidra E. Lowe signed the Opinion and Order Granting Petition for Reconsideration dated May 13, 2021. As Commissioner Lowe is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

Defendant claims in its petition for reconsideration that the WCJ erred in awarding compensation to lien claimant Dental Trauma Center, including penalty and interest, because their reports were not incorporated by the primary treating physician, were not properly or timely requested, and were not reasonable and necessary.

The WCJ issued a report in which he recommended that the petition for reconsideration be granted in part to amend the last paragraph of the Opinion on Decision to remove the reference to allowing penalty and interest to Dental Trauma Center.

Subsequently, at our request, lien claimant Dental Trauma Center and defendant CIGA participated in a commissioners' settlement conference and agreed to resolve this matter by stipulation. On February 7, 2023, the parties filed a fully executed Stipulation to pay Lien Claimant Dental Trauma Center the sum of \$3,000 as full and final settlement of the dispute. The stipulation, signed on February 7, 2023, by Alborz Fardmanesh, attorney for lien claimant Dental Trauma Center, and Justin Harrison, attorney for defendant California Insurance Guarantee Association, provides for settlement of the lien of Dental Trauma Center, whose balance is \$6,693.63 on the case of Carlos Hernandez, ADJ8380057, for the total sum of \$3,000.00 in full and final satisfaction of all claims arising therefrom to date, with penalties and interest waived if payment is issued within 30 days of approval by the WCAB.

After considering the Stipulation filed by lien claimant Dental Trauma Center and defendant CIGA, we conclude that the settlement amount is adequate and that the agreement is in the best interest of the parties.

Therefore, and as our Decision After Reconsideration, we will rescind the WCJ's Findings and Order and substitute a new Finding and Order, which finds that lien claimant Pain Management Center's services were not shown to have been reasonably necessary to cure or relieve from the effects of the industrial injury, and that Pain Management Center's lien is disallowed, and we will approve the submitted Stipulation as to Dental Trauma Center.

Finally, we commend the parties for engaging in good faith negotiations and successfully resolving this matter without the need for further litigation.

For the foregoing reasons,

**IT IS ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Award and Order issued on March 25, 2021, is **RESCINDED**, and the following is **SUBSTITUTED** therefor:

**FINDINGS OF FACT**

1. Applicant, Carlos Hernandez, while employed on May 9, 2012, as a truck driver, at Fontana, California, by Wattrans, sustained injury arising out of and in the course of employment to his left knee, scalp, neck, back, left lower extremity, dental, and TMJ.
2. The services of lien claimant Pain Management Care are not shown to have been reasonably necessary to cure or relieve from the effects of the industrial injury.

**ORDER**

**IT IS ORDERED** that the lien of Pain Management Care is disallowed.

**IT IS FURTHER ORDERED** that the Stipulation of lien claimant Dental Trauma Center and defendant California Insurance Guarantee Association (CIGA), on behalf of Castlepoint National Insurance Company, administered by Sedgwick, and through their representatives, and filed on February 7, 2023, is **APPROVED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**March 3, 2023**

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

**THE DENTAL TRAUMA CENTER  
LAW OFFICE OF SAM AHMADINIA  
GUILFORD SARVAS & CARBONARA**

**LAS/ara**

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