

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

**ARNOLDO MARTINEZ, *Applicant***

**vs.**

**YOUNG HEE SUNG; THE HARTFORD, *Defendants***

**Adjudication Number: ADJ10247642  
Los Angeles District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Defendant, The Hartford, petitions for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on October 4, 2021. In that decision, the WCJ found that applicant, Arnolando Martinez's industrial injury on November 2, 2015, was caused 50% by the negligence of applicant's employer at the time of the injury, defendant, Young Hee Sung. Therefore, the WCJ found that defendant The Hartford, which insured the employer for workers' compensation liability at the time of the injury, must pay benefits of \$375,000 to or on behalf of applicant before it can take its credit under Labor Code section 3861 for applicant's recovery from a third party.

The Hartford contends in its petition for reconsideration that the WCJ erred in finding that applicant's injury was caused by the negligence of his employer.

The WCJ issued a report in which she recommended that the petition for reconsideration be denied.

We granted reconsideration to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request. On March 28, 2022, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the October 4, 2021 Findings and Award and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as she deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If the WCJ does not approve the settlement, she can issue an order reinstating her decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

Finally, we commend the parties for successfully resolving this matter without the need of 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of the Workers' Compensation Appeals Board that the Findings and Award issued in this matter on October 4, 2021, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as she deems appropriate.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ CRAIG SNELLINGS, COMMISSIONER



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

**MARCH 30, 2022**

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

**ARNOLDO MARTINEZ  
EDWARD R. ORTEGA, A LAW CORPORATION  
LAW OFFICES OF LYDIA B. NEWCOMB**

**DH/ara**

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