WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

ESTEBAN MARTINEZ, *Applicant*

vs.

DOVAL INDUSTRIES, INC.;
STATE COMPENSATION INSURANCE FUND, *Defendants*

Adjudication Number: ADJ7225624
Marina del Rey District Office

OPINION AND DECISION
AFTER RECONSIDERATION

Lien Claimant True Scan petitioned for reconsideration of the Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on May 14, 2020. In that decision, the WCJ found that Lien Claimant, True Scan, did not meet their burden of proof regarding the reasonableness of their charges and therefore failed to establish that they are entitled to recover any additional payments by defendant in this matter.

Petitioner True Scan contends in its petition for reconsideration that the WCJ erred in finding that petitioners failed in their burden of proof, and that reconsideration be granted by the WCAB to either order payment to True Scan of its charges in a reasonable sum, or to return the matter to the trial level for further development of the record regarding reasonableness of charges and costs to be awarded to True Scan.

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

We granted reconsideration[1] to further study the factual and legal issues presented.

Subsequently, the parties were invited to participate in a commissioners' settlement conference at our request, and thereafter were able to resolve this matter by stipulation. On September 22, 2022, the parties executed a Stipulation to settling the matter for $2,500.00 as full

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[1] Commissioner Deidra E. Lowe, who was on the panel that granted reconsideration to further study the factual and legal issues in this case, no longer serves on the Appeals Board. Another panelist has been assigned in her place.

and final settlement of the dispute. The stipulation, signed by representative Ani Balian for lien claimant, and Chris Kidston, counsel for defendant, State Compensation Insurance Fund, provides as follows:

> Lien Claimant, True Scan, retains an outstanding balance of $5,857.20, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.
>
> Lien Claimant being represented by Ani Balian and Defendant being represented by Chris Kidston of State Compensation Insurance Fund agree to resolve the above referenced amount for a total sum of $2,500.00 as full and final satisfaction of True Scan's lien.
>
> This settlement resolves any and all dates of service for True Scan in the case at bar along with all lien matters involving the same.
>
> Payment will be made upon receipt of WCAB approval (Order/Award) of these stipulations.
>
> P&I waived if paid within 30 days from the Order/Award by WCAB.

We conclude that the Stipulations filed by lien claimant and defendant is adequate and should be approved.

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 of Fact and Order issued May 14, 2020, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant True Scan and defendant State Compensation Insurance Fund, by and through their representatives, executed and filed on September 22, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 3, 2022

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

TRUE SCAN
STATE COMPENSATION INSURANCE FUND

LAS/ara

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