

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

BRENDA CHRISTIANSON, *Applicant*

vs.

SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendant*

**Adjudication Number: ADJ1628659 (OXN0145564)
Oxnard 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 March 6, 2023 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the decision of March 23, 2023 is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.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/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 26, 2023

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

**BRENDA CHRISTIANSON
LAW OFFICES OF EDWARD J. SINGER
OFFICE OF THE DIRECTOR-LEGAL UNIT (LOS ANGELES)
FLOYD SKEREN MANUKIAN LANGEVIN**

PAG/abs

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**

The Workers' Compensation Administrative Law Judge ("WCJ") issued an Opinion on Decision and Findings of Fact, on March 6, 2023. Applicant, hereinafter, "Petitioner," has filed a timely and verified Petition for Reconsideration on the following grounds pursuant to Labor Code § 5903 / Rule 10843:

1. That by the order, decision, or award, the Board acted without or in excess of its powers;
2. The evidence does not justify the Findings of Fact;
3. That the findings of fact do not support the order, decision, or award.

Defendant filed an "Answer to Petition for Reconsideration" on April 4, 2023.

DISCUSSION AND RECOMMENDATION

One of petitioner's arguments is that the undersigned did not properly review and address Applicant's Exhibit 7, "Report of AME Dr. Angerman 5-21-21." The Exhibit was misdated, and should have been labeled as "5-21-2001." The undersigned did not include a review of said report or analysis, in part due to the misdate. Further, regarding case law raised by petitioner, specifically *Subsequent Injuries Fund v. IAC*, (1966) 31 CCC 60, and *Rea v. WCAB*, 77 CCC 1035, and in order to make sure that the applicant's entitlement to SIBTF benefits pursuant to L.C. § 4751(a) be properly addressed, the undersigned is recommending that Reconsideration be granted.

DATE: APRIL 10, 2023

/S/SANDRA ROSENFELD
Sandra Rosenfeld
WORKERS' COMPENSATION JUDGE