

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

FRANKIE URSSERY, *Applicant*

vs.

CITY OF LOS ANGELES, *Permissibly Self-Insured, Defendant*

**Adjudication Numbers: ADJ9818600; ADJ8873873; ADJ9985778
Marina Del Rey District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant Darrell Burstein, M.D., petitioned for reconsideration of the Amended Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on August 3, 2022 in which the WCJ found lien claimant Dr. Burstein's evaluation and reporting services in the field of internal medicine to have been reasonable and necessary services, but further found such services were not payable due to the failure to submit reporting from Dr. Sobol reviewing and incorporating Dr. Burstein's reports.

Lien claimant contends in its petition for reconsideration that the WCJ erred in finding that lien claimant's services were not payable and requested that the decision be reversed and lien claimant be awarded payment plus costs and interest.

The WCJ issued a report in which she recommended that the lien claimant's petition be denied.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On February 28, 2023, the parties filed a Stipulation to pay Lien Claimant settling the matter for \$6,500.00 as full and final settlement of the dispute. The stipulation, signed by Representatives Marialouisa Lizarraga for lien claimant,

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated October 28, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

and Megan Dean for defendant, City of Los Angeles, PSI, administered by Sedgwick provides as follows:

Having waived the provisions of Labor Code Sec. 5313, the parties stipulate as follows:

Lien Claimant, Darrell H. Burstein, M.D. retains an outstanding balance of \$12,463.58, not inclusive of potential penalty and interest for the services provided in the above referenced case.

Lien Claimant being represented by Marialouisa Lizarraga, and Defendant being represented by Megan Dean of AM Lien Solutions, agree to resolve the above referenced amount for a total sum of \$6,500.00 as full and final satisfaction of Darrell H. Burstein, M.D.'s Lien in lieu of awaiting a decision from the Appeals Board.

This settlement resolves any and all dates of service for Darrell H. Burstein, M.D. in the case at bar along with all penalty, interests & costs 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 the 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 Amended Findings of Fact and Order of the WCJ issued August 3, 2022², be **RESCINDED**.

² The Opinion and Order Granting Reconsideration erroneously listed the decision date as August 29, 2022, however that was the date of the filed petition for reconsideration. This clarifies that August 3, 2022 was the date of the decision of the WCJ to which the Grant and this Opinion on Decision after Reconsideration applies.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Darrell Burstein, M.D. and defendant, City of Los Angeles, PSI, administered by Sedgwick, by and through their representatives, executed and filed on February 28, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MARCH 22, 2023

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

**DARRELL BURSTEIN, M.D.
R AND R SERVICES
AM LIEN SOLUTIONS
KEGEL, TOBIN & TRUCE
CITY ATTORNEY**

LAS/ara

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

CS