

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

REYNALDO SIERRA, *Applicant*

vs.

**COVENANT TRANSPORT, NEW HAMPSHIRE INSURANCE COMPANY,
administered by GALLAGHER BASSETT, *Defendants***

**Adjudication Numbers: ADJ7786647
San Bernardino District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, Reynaldo Sierra, petitions for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on November 13, 2020. In that decision, the WCJ found that applicant, while employed on January 17, 2011, as a truck driver by defendant, Covenant Transport, sustained injury arising out of and in the course of employment to the left shoulder, left arm, left wrist, lumbar spine, and psyche and consisting of drop foot, internal-digestive disorder and sexual dysfunction while employed on January 17, 2011, as a truck driver by defendant, Covenant Transport, then insured for workers' compensation liability by defendant, New Hampshire Insurance Company. The WCJ also found that applicant's injury caused need of further medical treatment and permanent partial disability of 90%

Applicant contends in his petition for reconsideration that the WCJ erred in not finding that applicant's injury caused permanent total disability.

The WCJ issued a report on the petition for reconsideration recommending that 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 November 2, 2021, the parties filed an executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the November 13, 2020 Findings and Award and remand this matter to the WCJ to consider the settlement. The WCJ may conduct such further proceedings as he deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration filed by applicant. If the WCJ does not approve the settlement, he can issue an order reinstating his original 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 November 13, 2020, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release filed on November 2, 2021, and for such further proceedings as he deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 8, 2021

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

**REYNALDO SIERRA
FLOYD SKEREN & KELLY LLP
ROSE KLEIN & MARIAS**

DH/ara

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