

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

**JOSE PRECIADO, *Applicant***

**vs.**

**LEVITZ PLVTZ, LLC; TRAVELERS PROPERTY AND CASUALTY COMPANY OF  
AMERICA, *Defendants***

**Adjudication Number: ADJ3971087 (VNO 0554843)  
Van Nuys District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Defendant, Travelers Property and Casualty Company of America (Travelers,) petitions for reconsideration of the Findings and Award and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on January 21, 2020. In that decision, the WCJ found that applicant, Jose Preciado, sustained injury in the form of hypertensive heart disease arising out of and in the course of his employment as a sales associate by defendant, Levitz Plvtz, LLC, during a cumulative period ending December 12, 2007, resulting in need of further medical treatment and permanent partial disability of 56%.

Travelers, which insured the employer for workers' compensation liability at the time of the injury, contends in its petition for reconsideration that the WCJ erred in finding that apportionment of liability for permanent disability is not warranted.

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 January 27, 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 January 21, 2020 Findings and Award and Orders, 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Compensation Appeals Board that the Findings and Award and Orders issued in this matter on January 21, 2020, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further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/ CRAIG SNELLINGS, COMMISSIONER**

**I CONCUR,**

**/s/ DEIDRA LOWE, COMMISSIONER**



**/s/ MARGUERITE SWEENEY, COMMISSIONER**

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

**FEBRUARY 3, 2022**

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

**JOSE PRECIADO  
SHAHPOOR ASHORZADEH, ESQ.  
TRINIDAD & ASSOCIATES**

**DH/ara**

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