

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

CLAYTON DARBY, *Applicant*

vs.

**GOLDEN VISTA CONSTRUCTION INC.; SECURITY NATIONAL
INSURANCE COMPANY; AMTRUST, *Defendants***

**Adjudication Number: ADJ10237626
Riverside District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

On April 13, 2023, we granted the petition for reconsideration filed by lien claimant, The Dental Trauma Center, as to the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on February 9, 2023.¹ In that decision, the WCJ found that The Dental Trauma Center provided reasonable and necessary treatment to the applicant, and ordered the charges for such services to be addressed and determined by Court appointed Independent Bill Reviewer Sue Choi of QMBR Consulting Inc. The issue of penalties and interest were deferred.

Petitioner, The Dental Trauma Center, contends in its petition for reconsideration that the WCJ's actions in ordering Sue Choi as the independent bill reviewer will result in irreparable harm and prejudice to lien claimant as she is a "defense bill reviewer" with a conflict of interest. Petitioner requests that the WCJ rescind the order appointing Sue Choi as independent bill reviewer and determine the reasonable value of lien claimant's services based upon the existing record.

The WCJ issued a report recommending that the petition for reconsideration be denied.

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

¹ The Opinion and Order Granting the Petition for Reconsideration mistakenly lists December 14, 2022 as the date of the WCJ's decision upon which reconsideration was granted. The correct date of the Findings and Order is February 9, 2023, and is hereby corrected nunc pro tunc.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On August 18, 2023, the parties filed a fully executed Stipulation to pay lien claimant The Dental Trauma Center the sum of \$15,250.00 as full and final satisfaction of their lien. The stipulation, signed on August 18, 2023, by Saam Ahmadinia, attorney for petitioner, and by Cory Freberg, attorney for defendant, provides as follows:

Having waived provision of Labor Code §5313, the parties stipulate as follows:

Security National Insurance Company administrated by Amtrust (Amtrust) agrees to pay, and Dental Trauma Center agrees to accept; the amount of \$15,250.00 as full and final satisfaction of any and all claims and/or liens between defendant and lien claimant. Penalties and interest waived.

It is the intention of the parties that this agreement resolves all issues as between them in the case at bar along with all penalty, interests and costs involving the same.

Payment to be issued within 45 days of Defendant's receipt of WCAB approval (Order/Award) of these stipulations. P&I waived if paid within 45 days from the Order/Award by WCAB.

We conclude that the Stipulations filed by petitioner and defendant 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 and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on February 9, 2023, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of petitioner and defendant, executed and filed on August 18, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ NATALIE PALUGYAI, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 11, 2023

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

**THE DENTAL TRAUMA CENTER
LAW OFFICE OF SAAM AHMADINIA, APC
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

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