

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

MARIA YESENIA JARAMILLO JIMENEZ, *Applicant*

vs.

**EL POLLO LOCO; TECHNOLOGY INSURANCE
administered by AMTRUST, *Defendants***

**Adjudication Number: ADJ13030119
Anaheim District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien claimant Nogales Psychological Counseling petitioned for reconsideration of the Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on October 17, 2022 in which the WCJ disallowed Nogales' lien for services and ordered that lien claimant take nothing on their lien.

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, penalties, 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 April 14, 2023, the parties signed and thereafter 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 Walter Rio of R & R Services for lien claimant, and Donald Hodge for defendant, Technology Insurance, administered by Amtrust, provides as follows:

¹ Commissioner Sweeney, who was on the panel that granted reconsideration, no longer serves on the Appeals Board. Another panelist was appointed in her place.

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

Lien Claimant Nogales Psychological Counseling agrees to withdraw its Petition for Reconsideration.

Defendant Technology Insurance Company administered by Amtrust agrees to pay and lien claimant Nogales Psychological Counseling agrees to accept \$6,500.00 in full and final satisfaction of its lien in the amount of \$16,805.00. Penalty and interest waived if payment is made within 30 days to:

Nogales Psychological Counseling, Inc.
3550 Wilshire Blvd., Ste. 670
Los Angeles, CA 90010
TAX ID: 95-XXXXXXX

To the extent that the parties wish this settlement be approved as full and final settlement of their dispute by the WCAB in lieu of the findings of fact and order issued by the WCJ, we expressly disapprove of the portion of the stipulation that states the lien claimant withdraws its petition for reconsideration, and as our Decision After Reconsideration, we conclude that the Stipulations filed by lien claimant and defendant is adequate and should otherwise be approved as stated above.

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 of Fact and Order of the WCJ issued October 17, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulation of lien claimant Nogales Psychological Counseling and defendant Technology Insurance, administered by Amtrust, executed on April 14, 2023 and thereafter filed, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 28, 2023

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

**MEDICAL COST REVIEW
R&R SERVICES
NOGALES PSYCHOLOGICAL COUNSELING**

LAS/ara

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