

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

CECILIA DIAZ aka PATRICIA GUTIERREZ, *Applicant*

vs.

**DON CARLOS JEWELRY; NATIONAL MINT OF AMERICA, INC.,
and JDC NATIONAL, *Defendants***

**Adjudication Number: ADJ7873659
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant Tower Imaging DBA Tower Copy petitioned for reconsideration of the Findings of Fact and Order (F&O) issued by the workers' compensation administrative law judge (WCJ) in this matter on July 26, 2023. In that decision, the WCJ found that petitioner Tower Imaging DBA Tower Copy was reasonably and fully compensated prior to trial for their services and that lien claimant take nothing further.

The WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

On October 17, 2023, we issued an interim non-final order granting the petition, and further ordered that the matter be referred to a WCJ at the Appeals Board for a status conference.

Thereafter, the parties attended the aforementioned status conference to discuss the issues raised.

On January 30, 2024, in an effort to conserve WCAB resources and expeditiously return this matter to the district office without withdrawing their positions or arguments, the parties agreed to, and filed a signed Stipulation. The stipulation is to remand the matter back to trial level for further proceedings in order to create a complete record relating to the issues initially raised by the parties and as further noted by the Appeals Board in their October 17, 2023 interim non-final order granting the petition.

Based upon this joint stipulation of the parties, and as our Opinion and Decision After Reconsideration, we will rescind the Findings of Fact and Order of the workers' compensation

administrative law judge dated July 26, 2023, and return this matter to the WCJ for further proceedings consistent with the parties' stipulation. The WCJ may conduct such further proceedings as is deemed appropriate.

Finally, we commend the parties for successfully resolving this matter by joint agreement, without the need for further action by the Appeals Board.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulation of petitioner Tower Imaging DBA Tower Copy and defendant State Compensation Insurance Fund executed on January 2, 2024, and filed on January 30, 2024, is **APPROVED**.

IT IS FURTHER ORDERED that the Findings of Fact and Order of the workers' compensation administrative law judge dated July 26, 2023 is **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **RETURNED** to the workers' compensation administrative law judge for further proceedings consistent with the stipulations of the parties and with this decision and the interim findings of the Appeals Board dated October 17, 2023.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

February 23, 2024

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

**TOWER IMAGING DBA TOWER COPY
STATE COMPENSATION INSURANCE FUND**

LAS/ara

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