

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

**DANNY MCINTURFF, *Applicant***

**vs.**

**SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendant***

**Adjudication Number: ADJ1717429  
Pomona District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

The Applicant timely petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) on August 23, 2021. We granted reconsideration<sup>1</sup> to study the factual and legal issues in this matter.

Following their participation in a commissioners' settlement conference at our request, applicant and the Subsequent Injuries Benefit Trust Fund (SIBTF) resolved applicant's claim against SIBTF by Compromise and Release. The Compromise and Release was filed on June 20, 2022.

WCAB Rule 10700(b) states that:

“The Workers' Compensation Appeals Board shall inquire into the adequacy of all compromise and release agreements and stipulations with request for award, and may set the matter for hearing to take evidence when necessary to determine whether the agreement should be approved or disapproved, or issue findings and awards.” (Cal. Code Regs., tit. 8, § 10700(b).)

Labor Code section 5002 states that:

“A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of

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<sup>1</sup> Commissioner Lowe, who was on the panel that issued a prior decision in this matter, no longer serves on the Appeals Board. Another panelist has been assigned in her place.

its own motion or on the application of either party, enter its award based upon the release or compromise agreement.”

(See Lab. Code § 5003 [setting forth requirements for form and contents of the agreement].)

After considering the Compromise and Release in light of the entire record and the risks to applicant of further litigation, we conclude that the settlement amount is adequate and that the agreement is in applicant’s best interest.

Therefore, as our Decision After Reconsideration, we rescind the Findings of Fact and Order and approve the Compromise and Release.

Finally, we commend the parties for their willingness to bargain in good faith and resolve 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 issued by the workers’ compensation administrative law judge on August 23, 2021 be **RESCINDED**.

**IT IS FURTHER ORDERED** that the Compromise and Release filed on June 20, 2021, be **APPROVED**.

**AWARD IS MADE** in favor of **DANNY MCINTURFF** against the **SUBSEQUENT INJURIES BENEFITS TRUST FUND** as specified in the Compromise and Release agreement.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



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

**June 21, 2022**

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

**DANNY MCINTURFF  
BLOMBERG BENSON AND GARRETT  
OFFICE OF THE DIRECTOR-LEGAL UNIT**

**RLN/abs**

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