

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

MARK BOWER, *Applicant*

vs.

SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendant*

**Adjudication Number: ADJ8599104
San Jose District Office**

**OPINION AND DECISION AFTER
RECONSIDERATION**

The defendant timely petitioned for reconsideration of the Findings and Award that was issued by the workers' compensation administrative law judge (WCJ) on September 3, 2021. We granted reconsideration to study the factual and legal issues in this matter. This is our Opinion and Decision after Reconsideration.

Following their participation in a commissioners' settlement conference set at our request, applicant and SIBTF resolved applicant's claim against SIBTF by Stipulations With Request for Award. The stipulations were filed on February 18, 2022.

WCAB Rule 10700 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.)

After considering the Stipulations in light of the entire record, we conclude that they are adequate and in applicant's best interest.

We also conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, as our Decision After Reconsideration, we approve the Stipulations With Request for Award.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Award issued by the WCJ on September 3, 2021 be **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulations With Request for Award filed in this matter on February 18, 2022, be **APPROVED**.

AWARD

AWARD IS MADE in favor of **MARK BOWER** against **SUBSEQUENT INJURIES TRUST FUND** of:

- (1) Permanent disability indemnity and payment of benefits as specified in paragraph 5 of the Addendum to the Stipulations With Request for Award (Addendum);
- (2) Less an attorneys' fee of 15% of the award pursuant to Labor Code section 5100.5, in accordance with paragraph 8 of the Addendum;
- (3) Less credit as provided in paragraph 7 of the Addendum;
- (4) Any payment from SIBTF is contingent upon the availability of funds to pay this claim and the authority to make payments in accordance with paragraph 9 of the Addendum.

(5) Payment of the award is considered timely, with interest included on all sums payable under this award in accordance with paragraph 9 of the Addendum.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 25, 2022

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

**MARK BOWER
LAW OFFICES OF MASON BLEDSOE
OFFICE OF THE DIRECTOR-LEGAL UNIT (OAKLAND)**

RLN/abs

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