

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

CHERYL ALEXANDER, *Applicant*

vs.

**WALMART, INC.; ACE AMERICAN INSURANCE, care of SEDGWICK CLAIMS
MANAGEMENT SERVICES, *Defendants***

**Adjudication Number: ADJ9845917
Santa Barbara District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, Ace American Insurance Company (AAI,) petitions for reconsideration of the Findings of Fact and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on March 30, 2022. In that decision, the WCJ found that applicant sustained injury to his right shoulder, lumbar spine, right knee, wrists, hips and psyche arising out of and in the course of his employment as a office manager and cashier during a cumulative period from June 8, 2012, to June 8, 2013, by Walmart, Inc., insured for workers' compensation liability by AAI, resulting in permanent and total disability.

Defendant contends in substance that the WCJ erred in finding that applicant's injury caused permanent and total disability.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request. On March 16, 2023, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the March 30, 2022 Findings of Fact and Award and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as he deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If the WCJ does not approve the settlement, he can issue an order reinstating his decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

Finally, we commend the parties for successfully resolving this matter without the need of 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of the Workers' Compensation Appeals Board that the Findings of Fact and Award issued on March 30, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as he deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MARCH 28, 2023

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

**CHERYL ALEXANDER
STOUT, KAUFMAN, HOLZMAN & SPRAGUE APLC
TESTAN LAW**

DH/ara

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