

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

TANITA WARD, *Applicant*

vs.

**COUNTY OF RIVERSIDE;
Permissibly Self-Insured, *Defendant***

**Adjudication Number: ADJ10109173
Riverside District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Petitioner, RMS Medical Group petitioned for reconsideration of the Findings and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on November 23, 2022. In that decision, the WCJ found that RMS Medical Group did not carry the burden of proof of reasonableness of treatment and charges for their lien, and Ordered that defendant pay RMS Medical Group the sum of \$625.00 as reimbursement for basic med-legal charges.

Petitioner, RMS Medical Group contends in its petition for reconsideration that the WCJ erred in the amount awarded for medical legal costs, as well as in finding that lien claimant failed to prove their services were reasonable and necessary. The Petitioner requests that the WCJ rescind his decision, and find the treatment and costs to be reasonable and necessary.

The WCJ issued a report recommending that the petition for reconsideration be denied.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On June 19, 2023, the parties filed a fully executed Stipulation to pay lien claimant RMS Medical Group the sum of \$3,200.00 as full and final satisfaction of RMS Medical Group's lien. The stipulation, signed on June 19, 2023, by representative Carolyn Davis for petitioner, and by Joaquin Montano, attorney for defendant, provides as follows:

Lien Claimant, RMS Medical Group, retains an outstanding balance of \$ 7,511.82, not inclusive of potential penalty and interest for the services provided in the above referenced case.

Petitioner being represented by Carolyn [Davis] and Defendant being represented by Joaquin Montano agree to resolve the above referenced amount for a total sum of \$ 3,200.00 as full and final satisfaction of RMS Medical Group's Lien.

This settlement resolves any and all dates of service for RMS Medical Group in the case at bar along with all penalty, interests and costs involving the same.

Payment will be made upon receipt of WCAB approval (Order/Award) of these stipulations.

P&I waived if paid within 30 days from the Order/Award by WCAB.

We conclude that the Stipulations filed by petitioner and defendant should be approved.

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 and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on November 23, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of petitioner RMS Medical Group and defendant County of Riverside, executed and filed on June 19, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JUNE 26, 2023

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

**RMS MEDICAL GROUP
GILSON DAUB**

LAS/ara

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

CS