

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

JOHN GRASSO, *Applicant*

vs.

**COUNTY OF ALAMEDA, permissibly self-insured, administered by SEDGWICK
CLAIMS MANAGEMENT SERVICES, *Defendant***

**Adjudication Numbers: ADJ8375750, ADJ8375707
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We granted reconsideration in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

I.

Applicant, John Grasso, petitioned for reconsideration of the Joint Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on June 3, 2021. In that decision, the WCJ found that there is no good cause to reopen applicant's claims in these cases for new and further disability. The parties had stipulated on March 4, 2015, that applicant sustained injuries to his low back while employed as a deputy sheriff by defendant, County of Alameda, on June 9, 2011 (case ADJ8375750) and during a cumulative period ending June 1, 2011 (case ADJ8375707), resulting in permanent partial disability of 52%.

Applicant contends in his petition for reconsideration that the WCJ erred in finding that applicant did not sustain new and further disability.

The WCJ issued a report in which he recommended that applicant's Petition for Reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by Compromise and Release.

The Compromise and Release was filed on November 9, 2021. It provides for a settlement of \$42,500, less an attorneys' fee of \$4,250, leaving \$38,250 payable to applicant in a lump sum.

II.

Labor Code section 5001 states in pertinent part that “[n]o release of liability or compromise agreement is valid unless it is approved by appeals board or referee.”

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.)

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

After considering the Compromise and Release in light of the entire record, we conclude that the settlement amount is adequate and that the agreement is in the best interest of applicant. We have considered that any potential right to death benefits is being released. In addition, we conclude that the attorneys’ fee requested is reasonable and should be allowed.

Therefore, we will rescind the Joint Findings and Order issued by the WCJ on June 3, 2021, and approve the Compromise and Release.

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 Joint Findings and Order issued on June 3, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED that the Compromise and Release filed November 9, 2021, be **APPROVED**.

AWARD IS MADE in favor of **JOHN GRASSO** against the **COUNTY OF ALAMEDA**,
permissibly self-insured, as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

NOVEMBER 16, 2021

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

**JOHN GRASSO
RAYMOND E. FROST & ASSOCIATES
LAUGHLIN, FALBO, LEVY & MORESI**

DH/ara

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