

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

NICOLAS REYES, *Applicant*

vs.

BARRETT BUSINESS SERVICES, INC., *Permissibly Self-Insured, Defendant*

**Adjudication Numbers: ADJ7370880, ADJ7469384
Van Nuys District Office**

OPINION AND DECISION AFTER RECONSIDERATION

Lien claimant, Elena Konstat, Ph.D, petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on May 10, 2019. In that decision, the WCJ ordered that Dr. Konstat "...shall be reimbursed for her initial psychological evaluation, and only the initial evaluation by Defendant, amounts to be adjusted by the parties."

Dr. Konstat contends in her petition for reconsideration that the WCJ erred in not allowing the entirety of her lien claim of \$7,424.39.

The WCJ issued a report in which he recommended that the petition for reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by stipulation. Defendant and Dr. Konstat filed a Stipulation on August 30, 2022, in which it was agreed that defendant would pay Dr. Konstat \$2,500 in addition to sums previously paid in full satisfaction of the lien claim

Having reviewed the agreement, we will issue an order rescinding the order of the WCJ disallowing Dr. Konstat's lien claim in part and approve the Stipulation resolving the lien claim.

Finally, we commend the litigants 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Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order issued on May 10, 2019, be **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulation of lien claimant, Elena Konstat, Ph.D, and defendant, Barrett Business Services, Inc., permissibly self-insured, filed August 30, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 7, 2022

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

**ELENA KONSTAT, PH.D.
KEGEL, TOBIN & TRUCE**

DH/ara

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