

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

TANYA SCHWAB KEARNEY, *Applicant*

vs.

**CAPISTRANO UNIFIED SCHOOL DISTRICT, *Permissibly Self-Insured*; administered
by CORVEL CORPORATION, *Defendants***

**Adjudication Number: ADJ10298831
Anaheim District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

The Appeals Board has been advised that, while this matter has been pending on reconsideration, a proposed settlement has been reached. The proposed stipulations settling this matter were uploaded to EAMS on December 17, 2021 but have not been approved by the workers' compensation administrative law judge (WCJ) because the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, § 10961). In order to permit the WCJ to review the proposed settlement, we will rescind the decision from which reconsideration is sought and return this matter to the trial level for the WCJ to consider the proposed settlement. If the WCJ does not approve the settlement, the WCJ may issue an order reinstating the original decision and any aggrieved person may timely seek reconsideration from the reinstated decision. This is not a final decision on the merits of any of the issues pending on reconsideration.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the November 10, 2021 Findings of Fact are **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

February 11, 2022

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

**TANYA SCHWAB KEARNEY
SIEGEL, MORENO & STETTLER
R AND R SERVICES**

PAG/pc

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