

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

**LEROY RICHARD, *Applicant***

**vs.**

**EDEN HOUSING, INC.; EVEREST NATIONAL INSURANCE COMPANY,  
administered by SEDGWICK CLAIMS MANAGEMENT, *Defendants***

**Adjudication Number: ADJ11206915  
Oakland District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Applicant, Leroy Richard, petitions for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on January 28, 2021. In that decision, the WCJ found that applicant did not sustain injury to his head and psyche arising out and in the course of his employment on December 16, 2015, as a maintenance worker by defendant, Eden Housing, then insured for workers' compensation liability by defendant, Everest National Insurance Company.

Applicant contends in his petition for reconsideration that the WCJ erred in finding that applicant did not sustain a compensable psychiatric injury.

We granted reconsideration to further study the factual and legal issues presented.<sup>1</sup>

Subsequently, the parties participated in a commissioners' settlement conference at our request. On July 7, 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 January 28, 2021 Findings and Order and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as he deems appropriate.

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<sup>1</sup> Commissioner Deidra E. Lowe and Chair Katherine A. Zalewski signed the Opinion and Order Granting Petition for Reconsideration dated April 6, 2021. Commissioner Lowe is no longer a member of the Appeals Board and Chair Zalewski is unable to participate. Accordingly, new panel members has been substituted in their place.

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 and Order issued on January 28, 2021, 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/ JOSEPH V. CAPURRO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**July 21, 2023**

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

**LEROY RICHARD  
FLETCHER BROWN LAW FIRM  
ALBERT & MCKENZIE**

**DH/ara**

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