

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

MARIA RODRIGUEZ, *Applicant*

vs.

**MATTHEW A. KIM dba CALIFORNIA SUSHI TERIYAKI 6;
PREFERRED EMPLOYERS INSURANCE, *Defendants***

**Adjudication Number: ADJ10455810
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimants, Paramount Physicians Health Center, Renee Kohanim Chiropractic, and Jennifer Zhong Acupuncture, by and through their representative BBE Management petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on June 1, 2021 in which the WCJ found that lien claimants did not meet their burden of proving that the treatment provided was reasonable and necessary to cure and relieve applicant from the effects of the industrial injury. The WCJ Ordered that lien claimants take nothing on their liens for all dates of service.

Lien claimants contend in their petition for reconsideration that the WCJ erred in finding that they failed to prove their services were reasonable and necessary. They further allege they were not timely served with the retrospective utilization review originally ordered by the WCJ, thereby depriving them of the right to timely object to same.

Defendant filed an answer to the Petition.

The WCJ issued a report in which he recommended that the lien claimants' petition be denied.

We granted reconsideration to further study the factual and legal issues presented.¹

¹ Commissioner Deidra Lowe signed the Opinion and Order Granting Petition for Reconsideration dated August 23, 2021. As Commissioner Lowe is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On May 1, 2023, the parties filed a Stipulation dated April 27, 2023 to pay Lien Claimants Paramount Physicians Health Center, Renee Kohanim Chiropractic, and Jennifer Zhong Acupuncture the sums of \$1,200.00, \$400.00, and \$400.00 respectively, as full and final settlement of their disputes. The stipulation, signed by Representative Ruben Vallin of BBE Management for lien claimants, and Donald Hodge from Medical Cost Review for defendant, Preferred Employers Insurance Company, provides as follows:

Having waived the provisions of Labor Code Sec. 5313, the parties stipulate as follows:

Defendant Preferred Employers Insurance Company agrees to pay and lien claimants Paramount Physicians Health Center, Kohanim Chiropractic, Inc., and Jennifer Zhong, L.Ac. agrees to accept the following settlements in lieu of awaiting a final decision on BBE Management's June 22, 2021 Petition for Reconsideration:

Paramount Physicians Health Center
16406 Paramount Blvd.
Paramount, CA 90723
TIN: 26-XXXXXXX
Lien Settlement Amount \$1,200.00

Kohanim Chiropractic, Inc.
16406 Paramount Blvd.
Paramount, CA 90723
TIN: 26-XXXXXXX
Lien Settlement Amount \$400.00

Jennifer Zhong, L.Ac.
16406 Paramount Blvd.
Paramount, CA 90723
TIN: 60-XXXXXXX
Lien Settlement Amount \$400.00

Penalty and Interest is waived if paid within 30 days.

We conclude that the Stipulation filed by lien claimants and defendant is adequate and 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 Order of the WCJ issued June 1, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimants Paramount Physicians Health Center, Renee Kohanim Chiropractic, and Jennifer Zhong Acupuncture and defendant, Preferred Employers Insurance Company, by and through their representatives, executed on April 27, 2023 and filed on May 1, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MAY 8, 2023

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

**MEDICAL COST REVIEW
BBE MANAGEMENT
PARAMOUNT PHYSICIANS HEALTH CENTER
PATRICK PETRONELLA
RENEE KOHANIM CHIROPRACTIC
JANNIFER ZHONG ACUPUNCTURE**

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