

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

LEILA LEVI, *Applicant*

vs.

**LOS ANGELES UNIFIED SCHOOL DISTRICT, *Permissibly Self-Insured,*
*Administered by SEDGWICK CMS, Defendants***

**Adjudication Numbers: ADJ8659199, ADJ11383631, ADJ3683098
Van Nuys 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.

Defendant, Los Angeles Unified School District, petitions for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) on September 30, 2020, in cases ADJ8659199 and ADJ11383631. In that decision, the WCJ found that applicant Leila Levi's industrial injuries while employed by defendant as a secondary teacher during a cumulative period ending November 29, 2012 to her lumbar spine, right hip, right ankle, including a station/gait derangement, and psyche (case ADJ8659199) and on February 4, 2016, to her right shoulder (case ADJ11383631) caused additional temporary partial and total disability from June 15, 2016, through October 17, 2017. The WCJ also assessed a penalty under Labor Code section 5814 of 25% of the unpaid temporary disability indemnity. In addition, the WCJ found that applicant's injury in case ADJ8659199 caused permanent partial disability of 55%.

Defendant contends in its petition for reconsideration that the WCJ erred in finding additional temporary disability, the compensation rate for temporary disability and unreasonable delay under Labor Code section 5814.

Applicant filed an answer to the petition for reconsideration contending that the petition for reconsideration should be denied, but requesting that amendments to the awards of temporary and permanent disability indemnity.

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

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve applicant's claims by compromise and release.

The compromise and release, which was filed on January 29, 2021, provides for settlement of applicant's claims in both cases ADJ8659199 and ADJ11383631 and in case, ADJ3683098 (in which the parties had previously stipulated to industrial injury on January 3, 1984 to the right hip and ankle and psyche.) The settlement amount is \$220,000, less permanent disability indemnity advances of \$62,086.48 and continuing, less \$28,449 payable to applicant for a self-administered Medicare set-aside trust and less attorneys' fees of \$33,000. Defendant agreed to pay, adjust or litigate liens of record.

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 Findings and Award issued on September 30, 2020, 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 Findings and Award issued on September 30, 2020, be **RESCINDED**.

IT IS FURTHER ORDERED that the compromise and release filed January 29, 2021, in cases ADJ8659199, ADJ11383631 and ADJ3683098 be **APPROVED**.

AWARD IS MADE in favor of **LEILA LEVI** against **LOS ANGELES UNIFIED SCHOOL DISTRICT, Permissibly Self-Insured**, as specified in the compromise and release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

February 19, 2021

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

**LEILA LEVI
LAW FIRM OF ROWEN, GURVEY & WIN
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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. *abs*