

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

STEPHANIE ONG, *Applicant*

vs.

**BEVERLY HILLS BMW; THE HARTFORD, Administered by SEDGWICK CLAIMS
MANAGEMENT SERVICES, *Defendants***

**Adjudication Number: ADJ11280390
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.

Applicant, Stephanie Ong, petitioned for reconsideration of the Findings and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on October 23, 2020. In that decision, the WCJ found that the injury applicant sustained arising out of and in the course of her employment by defendant, Beverly Hills BMW on April 6, 2018 is not compensable because applicant was the initial physical aggressor in an altercation that resulted in her injury.

Applicant contends in her petition for reconsideration that the WCJ erred in finding that applicant's injury is not compensable.

The WCJ issued a report in which he recommended that applicant's Petition for Reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by Compromise and Release.

The Compromise and Release, which was filed on July 13, 2021, provides for a settlement of \$1,500 less an attorneys' fee of \$225, leaving \$1,275 payable to applicant in a lump sum.

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 Orders issued on October 23, 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 Orders issued in this matter on October 23, 2020, be **RESCINDED**.

IT IS FURTHER ORDERED that the Compromise and Release filed July 13, 2021, be **APPROVED**.

AWARD IS MADE in favor of **STEPHANIE ONG** against **THE HARTFORD**, Administered by **SEDGWICK CLAIMS MANAGEMENT SERVICES** as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ DEIDRA E. LOWE, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 3, 2021

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

**STEPHANIE ONG
HONG LAW
DANIEL GOGGINS & ASSOCIATES**

DH/ara

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