

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

SUZANNE DODD, *Applicant*

vs.

SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendant*

**Adjudication Number: ADJ9560024
Santa Rosa District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We granted reconsideration in this matter to study the factual and legal issues. This is our Opinion and Decision After Reconsideration.

Defendant Subsequent Injuries Trust Fund (SIBTF) timely petitioned for reconsideration of the Findings of Fact and Order (F&O) issued by the workers' compensation administrative law judge (WCJ) on December 16, 2020. In the F&O, the WCJ found applicant's vocational evaluator, Scott Simon, entitled to payment in the amount of \$5,742.50 for his May 18, 2020 vocational evaluation and ordered SIBTF to pay Mr. Simon this sum.

Following their participation in a commissioners' settlement conference set at our request, applicant and SIBTF resolved the issue by a stipulation filed on May 12, 2022, whereby the parties agreed that SIBTF shall pay, and Scott Simon shall accept \$3,400 as compensation for the vocational rehabilitation report dated May 18, 2020. The parties further agreed that this stipulation only reflects SIBTF's liability for the May 18, 2020 report, and does not affect agreements made between other parties.

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(b) 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(b).)

(See Lab. Code § 5003 [setting forth requirements for form and contents of the agreement].)

After considering the stipulation in light of the entire record, we conclude that the stipulated payment to Mr. Simon is adequate and that the agreement is in applicant’s best interest.

Therefore, as our Decision After Reconsideration, we rescind the Findings of Fact and Order and approve the parties’ stipulation.

Finally, we commend the parties for their willingness to bargain in good faith and resolve 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 of Fact and Order issued by the workers’ compensation administrative law judge on December 16, 2020 be **RESCINDED**.

IT IS FURTHER ORDERED that the stipulation filed on May 12, 2022, be **APPROVED.**

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR



/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 25, 2022

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

**SUZANNE DODD
LAW OFFICE OF JOHN BLOOM
OFFICE OF THE DIRECTOR-LEGAL UNIT**

RN/abs

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