

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

GONZALO ROCHA SANCHEZ, *Applicant*

vs.

**HOLLYWOOD REFINISHING, INC.;
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ12466711
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant State Compensation Insurance Fund petitioned for reconsideration of the Findings of Fact and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on May 26, 2023. In that decision, the WCJ found that applicant sustained injury to his head, nose and right shoulder, and was entitled to, and awarded, further medical treatment in the form of continued treatment with the Occupational Transitional Living Center Day Program with [a] Spanish interpreter in accordance with *Patterson v. The Oaks Farm* (2014) 79 Cal.Comp.Cases 910 (Appeals Board significant panel decision).

Defendants contend in substance that the WCJ erred in his failure to have the case reassigned to a WCJ who previously held a trial in this matter, permit the defendant to complete a pre-trial conference statement, and in failing to find that since there was a timely denial by defendant of the Request for Authorization (RFA), applicant's sole remedy was Independent Medical Review (IMR).

Applicant filed a response to the Petition for Reconsideration, and the WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

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

¹ Commissioner Dodd, who was previously a member of this panel is not currently available. Another panelist has been substituted in her place.

Subsequently, the parties participated in a commissioners' settlement conference at our request. On November 14, 2023, the parties advised the settlement mediator that they had reached a settlement of the matter by way of Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the May 26, 2023 Findings of Fact and Award, and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as is deemed appropriate.

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, the WCJ may issue an order reinstating the 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 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 Award issued on May 26, 2023, 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/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 28, 2023

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

**GONZALO ROCHA SANCHEZ C/O TINA ODJAGHIAN LAW GROUP
TINA ODJAGHIAN LAW GROUP
STATE COMPENSATION INSURANCE FUND**

LAS/ara

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