

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

JOHN INMAN, *Applicant*

vs.

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION and
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ9201223
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, John Inman, petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on November 21, 2022. In that decision, the WCJ found that applicant sustained permanent partial disability of 71% as a result of his industrial injury.

Applicant contends in his petition for reconsideration that the WCJ erred in failing to find that applicant was permanently totally disabled and requests the WCJs decision be reversed and the Appeals Board find that applicant is permanently totally disabled based upon a total loss of future earning capacity and lack of amenability to vocational rehabilitation.

Applicant notes as to the history of this matter, that the WCJ issued a prior Findings and Award on November 15, 2019 concluding applicant was permanently totally disabled. Defendant filed a petition for reconsideration which we granted, and as our Opinion and Order Granting Petition for Reconsideration and Decision after Reconsideration issued on February 6, 2020, we remanded the matter for further discovery and for applicant to obtain a Functional Capacity Evaluation (FCE).

After each party obtained their own FCE, the matter was returned to trial and on November 21, 2022, the WCJ issued the Findings and Award finding applicant sustained permanent partial disability of 71%, which the subject of the instant petition as is discussed above.

The WCJ issued a report in which she recommended that applicant's petition for reconsideration be granted and that the matter be sent back for further development of the medical record. The WCJ also recommended that the Appeals Board first consider mediation of this case.

We granted reconsideration on February 6, 2023 to further study the factual and legal issues presented.¹

Subsequently, the parties participated in a commissioners' settlement conference at our request. On June 29, 2023, the parties filed a fully executed Stipulations with Request for Award as final settlement of the dispute.

In order to expedite review and approval of the Stipulated settlement agreement, we will rescind the November 21, 2022 Findings and Award, and remand this matter to the WCJ to consider the Stipulations of the parties. The WCJ may conduct such further proceedings as she deems 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, she can issue an order reinstating her 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.

¹ Chair Zalewski, who was on the panel that granted reconsideration, was unavailable to participate in this decision. Another panelist was appointed in her place.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Award issued in this matter on November 21, 2022, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Stipulations with Request for Award and for such further proceedings as she deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 14, 2023

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

**JOHN INMAN
GEARHEART & SONNICKSEN
STATE COMPENSATION INSURANCE FUND**

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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. o.o*