

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

JUAN GUZMAN, *Applicant*

vs.

**ADP TOTAL SOURCE, INC./DURACITE;
HELMSMAN MANAGEMENT SERVICES, *Defendants***

**Adjudication Number: ADJ9387304
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, Juan Guzman, petitions for reconsideration of the Findings, Award and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on June 16, 2022. In that decision, the WCJ found that applicant's injury to his lumbar spine, head and psyche arising out of and in the course of his employment as a granite edge fabricator on September 23, 2013, by defendant, ADP Total Source, Inc./Duracite caused permanent partial disability of 45%.

Applicant contends in his petition for reconsideration that the WCJ erred in not finding that applicant's injury caused permanent total disability.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request. On January 4, 2023, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the June 16, 2022 Findings, Award and Orders and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as he deems appropriate.

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated September 6, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

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, he can issue an order reinstating his 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 of further litigation.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings, Award and Orders issued in this matter on June 16, 2022, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further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/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 20, 2023

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

**JUAN GUZMAN
KNOPP PISTIOLAS
STOCKWELL, HARRIS, WOOLVERTON & HELPHREY**

DH/ara

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