

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

RONALD MAXWELL, *Applicant*

vs.

**CITY OF STOCKTON, permissibly self-insured; administered by
ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Number: ADJ7807316
Stockton 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, Ronald Maxwell, petitioned for reconsideration of the Findings of Fact, Award and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on March 24, 2021. In that decision, the WCJ found that applicant's cumulative injury to his neck, low back and hearing arising out of and in the course of his employment as a police officer during a period ending October 3, 2010, by defendant, City of Stockton, caused new and further disability, that applicant's permanent partial disability has increased to 28% and that applicant requires further medical treatment to cure or relieve from the effects of his injury.

Applicant contends in his Petition for Reconsideration that the WCJ erred in not finding that applicant's injury caused permanent partial disability of 30%.

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 stipulations.

The Stipulations, which were filed by the parties on August 1, 2021, provide that "[a]ll issues [in this matter] are hereby resolved, including the Petition to Reopen." The parties also stipulated that applicant's permanent partial disability has increased to 29%, all of the indemnity

for which has been paid, and that all claims for costs, sanctions, penalties, interest and attorney fees to date are resolved by the Stipulations. In addition, the parties stipulated that the award of further medical treatment for the neck, back and hearing loss remains in effect.

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.)

After considering the Stipulations in light of the entire record, we conclude that the agreement is adequate and in the best interest of applicant.

Therefore, we will rescind the Findings of Fact, Award and Order issued on March 24, 2021, and approve the Stipulations.

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 of Fact, Award and Order issued on March 24, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulations filed August 1, 2021, be **APPROVED**.

AWARD IS MADE in favor of **RONALD MAXWELL** against **CITY OF STOCKTON, permissibly self-insured**, as specified in the Stipulations, including further medical treatment for the neck, back and hearing loss.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 10, 2021

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

**RONALD MAXWELL
MASTAGNI HOLSTEDT
HANNA, BROPHY, MACLEAN MCALEER & JENSEN**

DH/ara

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