

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

**GARTH BENDER, *Applicant***

**vs.**

**CITY OF NAPA, permissibly self-insured, adjusted by INTERCARE HOLDINGS,  
*Defendants***

**Adjudication Numbers: ADJ13266074, ADJ13646928  
Santa Rosa District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

It has come to the attention of the Appeals Board that, while this matter has been pending on reconsideration, the parties have reached a proposed settlement.

Since the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, former § 10859, now § 10961 (eff. Jan. 1, 2020)), in order to permit review by the workers' compensation administrative law judge (WCJ) of the proposed settlement, we will rescind the decision from which reconsideration is sought and return this matter to the trial level for the WCJ to consider the proposed settlement. If the WCJ does not approve the settlement, the WCJ may issue an order reinstating the original decision and any aggrieved person may timely seek reconsideration from the reinstated decision. This is not a final decision on the merits of any of the issues pending on reconsideration.

For the foregoing reasons,

**IT IS ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the WCJ's decision of April 20, 2021 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ DEIDRA E. LOWE, COMMISSIONER**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**October 13, 2021**

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

**GARTH BENDER  
RTGR LAW  
TRIBUIANO YAMADA**

*AI/pc*

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