

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

GREGORY NICKELSON, *Applicant*

vs.

**SAN FRANCISCO MARRIOTT, administered by MARRIOTT CLAIMS
SERVICES, *Defendants***

**Adjudication Number: ADJ11357051
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, San Francisco Marriott, permissibly self-insured and administered by Marriott Claims Services, petitioned for reconsideration of the Findings and Opinion on Decision issued by the workers' compensation administrative law judge (WCJ) in this matter on February 27, 2019. In that decision, the WCJ found that applicant, Gregory Nickelson, while employed on April 3, 2018, as a front office manager by defendant sustained injury arising out of and in the course of his employment consisting of an acute right non-hemorrhagic right posterior thalamic infarct.

Defendant contends in its petition for reconsideration that the WCJ erred in finding that applicant's injury arose out of and in the course of his employment.

We granted reconsideration in this matter to further study the factual and legal issues presented. Subsequently, the parties participated in a settlement conference and agreed to resolve this matter by Compromise and Release. The Compromise and Release was filed on May 28, 2021.

Therefore, we will rescind the WCJ's decision and remand this matter to her to consider the Compromise and Release. 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 filed by defendant. If the WCJ does not approve the Compromise and Release,

she can issue an order reinstating her original decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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Compensation Appeals Board that the Findings and Opinion on Decision issued in this matter on February 27, 2019, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further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 she deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 8, 2021

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

**GREGORY NICKELSON
BOXER & GERSON
CHOU LAW GROUP**

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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