

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

**JOYCE JEANNIS, *Applicant***

**vs.**

**STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL SERVICES/IN-HOME  
SUPPORTIVE SERVICES, *Legally Uninsured*; STATE COMPENSATION  
INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ904464 (VNO 0240820)  
Van Nuys 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, Joyce Jeannis, petitions for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on July 16, 2019. In that decision, the WCJ found that applicant's industrial injury to her right knee, low back and psyche while employed as a domestic helper by defendant, State of California, Department of Social Services/In-Home Supportive Services on June 24, 1991, caused need of further medical treatment to cure or relieve from the effects of her injury and permanent partial disability of 45%.

Applicant contends in her petition for reconsideration that the WCJ erred in admitting in evidence and relying upon the opinion of Dr. Purdy, not ordering further development of the record and apportioning liability for permanent disability.

The WCJ issued a report in which he recommended that defendant's Petition for Reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve applicant's claims by compromise and release. The compromise and release, which was filed on March 31, 2021, provides for a settlement amount of \$99,999.00, less credit to defendant of \$68,117.47 for permanent disability indemnity previously paid and less

an attorneys' fee of \$4,782.23, leaving a balance of \$27,099.30 payable to applicant in a lump sum. The compromise and release also provides that applicant's right to further medical treatment is not being released. Defendant agrees to pay, adjust or litigate liens of record.

## 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.)

Labor Code section 5002 states that:

"A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of its own motion or on the application of either party, enter its award based upon the release or compromise agreement."

After considering the compromise and release in light of the entire record, we conclude that the settlement amount is adequate and that the agreement is in the best interest of applicant. We note that the compromise and release provides that applicant's right to further medical treatment to cure or relieve from the effects of her injury is not being settled. The agreement further provides that the issues of attorney fees under Labor Code section 4607 and penalties on medical treatment are not being settled and are reserved.

We have considered that any potential right to death benefits is being released.

In addition, we conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, we will rescind the Findings and Award issued on July 16, 2019 and approve the compromise and release.

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 Award issued on July 16, 2019 be **RESCINDED**.

**IT IS FURTHER ORDERED** that the compromise and release filed March 31, 2021, be **APPROVED**.

**AWARD IS MADE** in favor of **JOYCE JEANNIS** against **STATE OF CALIFORNIA, DEPARTMENT OF SOCIAL SERVICES/IN-HOME SUPPORTIVE SERVICES**, of further medical treatment necessary to cure or relieve from the effects of the injury and as specified in the compromise and release.

**WORKERS' COMPENSATION APPEALS BOARD**

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

**I CONCUR,**

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

**CRAIG SNELLINGS, COMMISSIONER**  
**CONCURRING NOT SIGNING**



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

**APRIL 30, 2021**

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

**JOYCE JEANNIS  
LAW OFFICES OF JEFFREY L. GEREN & ASSOCIATES  
STANDER, REUBENS, THOMAS & KINSEY**

**DH/ara**

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