

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

RODOLFO LOPEZ CARRILLO, *Applicant*

vs.

STERLING BLACKFOOT LLC; EMPLOYERS PREFERRED, *Defendants*

**Adjudication Number: ADJ11215433
Van Nuys District Office**

**OPINION AND ORDER
DENYING PETITION FOR
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's report, which we adopt and incorporate as quoted below, we will deny reconsideration.

We adopt and incorporate the following quote from the WCJ's report:

INTRODUCTION:

On June 1, 2021, Cost Petitioner LA Language filed a timely verified petition or reconsideration. The petitioner contends the undersigned WCJ should have: used the superior court Spanish interpreter rate; and, awarded penalties, interest and attorney fees.

STATEMENT OF FACTS:

On April 12, 2021, the parties appeared for trial and submitted on the documentary evidence. On May 13, 2021, the undersigned WCJ issued a Findings and Award. The Findings and Award found that Defendant had paid correctly and Cost Petitioner was not awarded anything further. It is from this finding that Cost Petitioner seeks relief.

DISCUSSION:

DEFENDANT CORRECTLY PAID THE INTERPRETER FEE

For an appeals board hearing, arbitration, or deposition: interpreter fees shall be billed and paid at the greater of the following (i) at the rate for one-

half day or one full day as set forth in the Superior Court fee schedule for interpreters in the county where the service was provided, or (ii) at the market rate. (8 CCR 9795.3(b)(1).) In the case, the bill was for the interpretation of a compromise and release. The services were not in connection with a board hearing, an arbitration nor a deposition.

For all other events listed under subdivision (a), interpreter fees shall be billed and paid at the rate of \$11.25 per quarter hour or portion thereof, with a minimum payment of two hours, or the market rate, whichever is greater. (8 CCR 9795.3(b)(2).) In this case, payment for the services full under Rule 9795.3(b)(2). The difference between subsections 1 and 2 is the inclusion of the Superior Court fee schedule as a floor for the hourly rate paid for hearings and depositions. The undersigned WCJ finds that for “other events” the administrative director did not intend for the Superior Court fee schedule to set market value for these “other events.”

The interpreter shall establish the market rate for the interpreter’s services by submitting documentation to the claims administrator, including a list of recent similar services performed and the amounts paid for those services. (8 CCR 9795.3(b)(2).) The only document offered into evidence to show market rate was the Superior Court fee schedule. The interpreting service did not meet its burden of showing market rate and shall be paid at the rate of \$11.25 per quarter hour or portion thereof, with a minimum payment of two hours. The bill submitted by LA Language did not state the amount of time spent to interpret the compromise and release, therefore, the minimum of two hours will be paid. (Exhibit 1.) Two hours at \$11.25 per quarter hours is equal to \$90.00. The parties stipulated that Defendant paid LA Language \$195.00. (Minutes of Hearing dated April 12, 2021 at 2:12.)

Cost Petitioner contends the translation of a compromise and release outside of the board is one of the services enumerated in 8 CCR 9795.3(b)(1). 8 CCR 9795.3(b)(1) list only three different translation environments: a board hearing; an arbitration, or a deposition. The black letter of the law excludes translation in an attorney’s office.

RECOMMENDATION:

The undersigned WCJ respectfully recommends that Cost Petitioner’s Petition for Reconsideration filed June 1, 2021 be denied.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 2, 2021

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

**RODOLFO LOPEZ CARRILLO
CYRUS JAMEHDOR
GEORGE CORSON
TOBIN LUCKS
LA LANGUAGE**

PAG/bea

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