

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

EFREN LARA SOLANO, *Applicant*

vs.

**SHILOH RANCH and/or KATHLEEN DOWNS; STATE COMPENSATION
INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ14075660
Oxnard District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We granted reconsideration¹ in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

I.

Defendant, State Compensation Insurance Fund (SCIF), petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on December 28, 2021. In that decision, the WCJ found that applicant, Efren Lara Solano, sustained injury to his skull, face, brain, ribs, and right thumb arising out of and in the course of his employment as a laborer while employed on November 18, 2020, by defendant, Shiloh Ranch and/or Kathleen Downs, then insured for workers' compensation liability by SCIF. The WCJ also found that SCIF is not entitled to discontinue paying for applicant's inpatient care at Casa Colina, a rehabilitation facility, until SCIF has established that applicant's treating physician has agreed to a care plan that is appropriate for the medical needs of applicant.

SCIF contends in its petition for reconsideration that the WCJ erred in determining that SCIF is not entitled to discontinue paying for inpatient care at Casa Colina.

Applicant filed an answer contending that the petition for reconsideration should be denied.

¹ Following the grant of reconsideration, Commissioner Lowe became unavailable. Another commissioner was assigned in her place.

The WCJ issued a report in which he recommended that the petition for reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by compromise and release.

The executed Compromise and Release was filed on June 14, 2022. The amount of the settlement is \$2,400,000, less \$1,840,000 to fund an annuity paying applicant \$8,989.59 per month for life, and less an attorneys' fee of \$360,000, leaving a balance of \$200,000 payable to applicant in a lump sum. The Compromise and Release also provides that defendant will 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 have considered that any potential right to death benefits is being released. We also conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, we will rescind the Findings and Order issued by the WCJ on December 28, 2021, 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 Order issued on December 28, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED that the Compromise and Release filed on June 14, 2022, be **APPROVED**.

AWARD IS MADE in favor of **EFREN LARA SOLANO**, against the **STATE COMPENSATION INSURANCE FUND** as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JUNE 28, 2022

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

**EFREN LARA SOLANO
TINA ODJAGHIAN LAW GROUP
STATE COMPENSATION INSURANCE FUND**

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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.

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