

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

HILARIO LEAL, *Applicant*

vs.

**LORDON ENGINEERING, INC; INSURANCE COMPANY OF
THE WEST; EMPLOYERS COMPENSATION INSURANCE COMPANY;
ILLINOIS MIDWEST/STAR INSURANCE; CALIFORNIA INSURANCE
GUARANTEE ASSOCIATION for CASTLEPOINT NATIONAL INSURANCE,
in liquidation, *Defendants***

**Adjudication Numbers: ADJ10498740 (MF), ADJ10598043, ADJ12735249
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendants, Star Insurance Company, Insurance Company of the West, and Employers Compensation Insurance Company each petition for reconsideration of the Findings of Fact issued by the workers' compensation administrative law judge (WCJ) in this matter on August 27, 2020. In that decision, the WCJ found that applicant, Hilario Leal, while employed by defendant, Lordon Engineering, sustained cumulative industrial injuries to his right knee during a cumulative period ending October 4, 2013 (case ADJ10498740) and to multiple parts of his body during a cumulative period ending June 14, 2016 (case ADJ10598043.) The WCJ deferred all other issues, including nature and extent of disability in both cases. The WCJ also found that applicant's claim in case ADJ12735249 is barred by the statute of limitations.

The petitioning defendants challenge the findings of compensability in cases ADJ10498740 and ADJ10598043.

We granted reconsideration to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request. On October 21, 2022, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the August 27, 2020 Findings of Fact in both cases ADJ10498740 and ADJ10598043 and remand

this matter to the trial level to consider the Compromise and Release. The WCJ may conduct such further proceedings as he or she deems appropriate.

Our decision should not be construed as a ruling on the merits of the petitions for reconsideration.

Finally, we commend the parties for successfully resolving this matter without the need of further litigation.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings of Fact in case ADJ10498740, and Findings of Fact in case ADJ10598043, both issued in this matter on August 27, 2020, be **RESCINDED**, and that this matter be **REMANDED** to a workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 8, 2022

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

**HILARIO LEAL
ALVANDI LAW GROUP
HERMANSON GUZMAN
GREENUP, HARTSTON & ROSENFELD, LLP
TOBIN LUCKS
MISA STEFEN KOLLER WARD, LLP**

DH/ara

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