

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

MORGAN BROWN, *Applicant*

vs.

**ASSOCIATED POMONA TEACHERS; STATE COMPENSATION
INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ11179488
Marina del Rey District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant State Compensation Insurance Fund, the workers compensation insurance carrier for defendant Associated Pomona Teachers, petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on January 24, 2020. In that decision, the WCJ made findings and an order that the applicant sustained injury to his psyche arising out of and in the course of said employment (AOE/COE) during the period of August 23, 2016 to and including August 23, 2017, and that defendant did not meet their burden regarding the good faith personnel action defense per Labor Code §3208.3(h).

Defendant contends in its petition that the WCJ erred in finding injury AOE/COE because the medical reporting as to whether there was a psychiatric injury was not substantial medical evidence, and the WCJ failed to apply the Rolda analysis in order to determine industrial causation (*Rolda v. Pitney Bowes, Inc.* (2001) 66 Cal.Comp.Cases 241) (Appeals Board en banc).

The WCJ issued a report in which he recommended that the petition for reconsideration be denied. We granted reconsideration to further study the factual and legal issues presented.¹

Subsequently, the parties participated in a commissioners' settlement conference at our request and thereafter agreed to resolve this matter by Compromise and Release as to all issues.

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated March 25, 2020. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member was appointed in her place.

Since the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, § 10961), in order to permit review by the workers' compensation administrative law judge (WCJ) of the proposed settlement, we will rescind the January 24, 2020 Findings and Order from which reconsideration is sought and return this matter to the WCJ to consider the Compromise and Release which was filed on July 11, 2023. The WCJ may conduct such further proceedings as he deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If the WCJ does not approve the settlement, he can issue an order reinstating his decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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 and Order issued in this matter on January 24, 2020, be **RESCINDED**, and that this matter is **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as he deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

KATHERINE A. ZALEWSKI, CHAIR
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 21, 2023

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

**HANNA BROPHY
LAW OFFICES OF EDWARD J. SINGER
MORGAN BROWN
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. o.o