

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

DEBORAH JANKOWSKI, *Applicant*

vs.

**TVI, INC.; ZURICH AMERICAN INSURANCE COMPANY, administered by
BROADSPIRE, *Defendants***

**Adjudication Number: ADJ9961038
Riverside District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant has petitioned for reconsideration of the Findings of Fact, Award and Order issued and served by the workers' compensation administrative law judge (WCJ) in this matter on August 19, 2024. In that decision, the WCJ found that applicant, while employed on February 5, 2015 by defendant, claims to have sustained injury arising out of and in the course of her employment (AOE/COE) to the left shoulder, left knee, left ankle, feet, psyche, back, hands, arms, "CRPS", right wrist, head, neck left eye, jaw, face, chest, legs, "weight gain and loss", gastro- intestinal, intestinal, and thyroid. In Findings of Fact two (2) and three (3), the WCJ stated that the parties declined to have the court address issues of compensability, parts of the body, and apportionment, and limited the court's issues to whether applicant is 100% permanently totally disabled, and attorney's fees. The WCJ thereafter made a finding that "assuming the case is compensable because of said injury, applicant is permanently totally disabled," and appears to have conditionally awarded applicant permanent disability of 100%, as well as attorney's fees.

Petitioner contends that the WCJ erred in awarding applicant permanent total disability as there has been no established schedule rating, and thus the vocational rehabilitation reporting does not constitute substantial evidence. Petitioner also argues that the WCJ should have relied upon the findings of the Agreed Medical Evaluators (AME) as well as their apportionment determinations, as opposed to applicant's treating physicians. Finally, petitioner asserts that findings of causation must first be determined as to the various parts of body in dispute prior to finding the existence of permanent disability.

Applicant filed a response.

The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending the petition be denied.

On December 2, 2024, we issued an interim non-final order granting the petition, and further ordered that the matter be referred to a WCJ at the Appeals Board for a status conference.

Thereafter, the parties attended the aforementioned status conference to discuss the issues raised, and agreed to resolve this matter by compromise and release.

The executed Compromise and release was filed on October 31, 2025.

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 August 19, 2024 Findings of Fact, Award and Order from which reconsideration is sought and return this matter to the district office to consider the Compromise and Release. The WCJ may conduct such further proceedings as is deemed 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 of Fact issued in this matter on August 19, 2024, be **RESCINDED**, and that this matter is **RETURNED** and for such further proceedings as consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

NOVEMBER 12, 2025

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

**DEBORAH JANKOWSKI
LAW OFFICES OF GERALDINE LY
STEPHANIE MULLEN**

LAS/bp

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