

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

DONNA NICKELL, *Applicant*

vs.

**KERN HIGH SCHOOL DISTRICT, permissibly self-insured,
administered by SELF-INSURED SCHOOLS OF CALIFORNIA, *Defendants***

**Adjudication Number: ADJ8160195
Bakersfield District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

Defendant seeks reconsideration of the Award of Commutation (Award) issued on March 16, 2026, by the workers' compensation administrative law judge (WCJ). By the Award, as relevant here, defendant was ordered to commute and pay to applicant the sum of \$171,296.00, which was based on the Disability Evaluation Unit's (DEU) calculation of the present value of applicant's remaining life pension.

Defendant contends that the WCJ erred by issuing the Award because it did not receive the DEU's calculation until after the Award was issued, denying defendant the opportunity to timely object. Defendant also claims applicant failed to provide evidence of substantial hardship to support a grant of commutation.

We have not received an answer from applicant.

The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition be granted because the Award issued before the time to object to the DEU's calculations had expired and without consideration of defendant's subsequent objection. However, the WCJ recommended the Petition be denied with respect to defendant's argument that applicant failed to provide evidence of substantial hardship to support commutation because defendant previously stipulated to the commutation.

We have considered the allegations of the Petition for Reconsideration and the contents of the Report of the WCJ with respect thereto. Based on our review of the record, for the reasons stated in the WCJ's Report as quoted below, and for the reasons discussed below, we will grant reconsideration, rescind the WCJ's Award, and return this matter to the WCJ for further proceedings and decision.

FACTS

As summarized by the WCJ in the Report, the facts are as follows:

Applicant [. . .] sustained a specific industrial injury on October 19, 2010, to her left wrist with compensable consequences to her psyche and in form of a Complex Regional Pain Syndrome (CRPS) while employed in Bakersfield, California, as a Clerical (Occupational Group 212) by Petitioner Kern High School District. On October 19, 2010, Petitioner was permissibly self-insured for California workers' compensation liability. Its program of permissible self-insurance is presently administered by Self-Insured Schools of California (SISC).

The awarded commutation of March 16, 2026, is the fourth commutation in the instant case. Primary proceedings were resolved via Findings of Fact and Award dated October 13, 2016. Among other things, Applicant was found to have sustained 89% permanent partial disability and need further medical treatment. Permanent partial disability indemnity to be followed by a Life Pension, attorneys' fees and further medical treatment were awarded. Findings of Fact & Award 10/13/2016 p. 4 (Findings of Fact #6 and #8), pp. 4-5 (Award ¶¶ A & B).

The awarded permanent partial disability indemnity was commuted to fund the approved attorneys' fees. This first commutation applied only to permanent partial disability indemnity and was later revised. Findings of Fact & Award 10/13/2016 p. 5 (Award ¶C), p. 8 (Opinion on Decision); Applicant was also awarded a second commutation in the amount of \$8,000.00 and a third commutation in the amount of \$4,000.00. Awards of Commutation 6/06/2017 pp. 1-2. After the revised first commutation (for attorneys' fees) and third commutation, Applicant's was entitled to permanent partial disability indemnity at the reduced rate of \$265.25 per week until August 21, 2028 and with entitlement to Life Pension payments at an initial rate of \$189.06 per week, subject to State Average Weekly Wage (SAWW) adjustment pursuant to Lab.C. §4659 set to begin on October 4, 2029.

* * *

As noted in the prior section, Primary proceedings were resolved via Findings of Fact and Award dated October 13, 2016. Applicant was found to have sustained 89% permanent partial disability and to need further medical treatment. Permanent partial disability indemnity to be followed by a Life Pension, attorneys' fees and

further medical treatment were awarded. *Findings of Fact & Award 10/13/2016 p. 4 (Findings of Fact #6 and #8), pp. 4-5 (Award ¶¶ A & B).*

Applicant's then-attorneys sought reconsideration, alleging that deriving attorneys' fees only from a commutation of permanent partial disability indemnity resulted in unreasonably low attorneys' fees. *Petition for Reconsideration 11/04/2016; First Amended Petition for Reconsideration 11/07/2016 p. 2 lines 13-19, p. 4 line 4-17.* The Findings and Award of October 13, 2016, was partially rescinded, including the initial commutation for attorneys' fees. *Rescission of Findings of Fact & Award 11/14/2016.*

Meanwhile, Applicant petitioned for a second commutation in the amount of \$8,000.00. *Petition for Commutation of Future Payments. 12/09/2016.* That petition was granted with a second commutation, again only from permanent partial disability indemnity, creating an anticipated gap between the end of permanent disability indemnity and the start of the Life Pension. Applicant's then-attorneys' pending petition for a commutation to replace the initial commutation was deferred. *Supplemental Award 12/13/2016.* A formal disability rating of the requested replacement commutation was obtained. *Formal Disability Rating (Commutation) 3/14/2017.*

However, the parties requested that a decision on the replacement commutation for attorneys' fees be deferred pending general settlement negotiations. That request was granted. *Order Vacating Submission 3/22/2017.* General settlement negotiations were not successful and re-submission for decision was requested. *Correspondence of Hanna, Brophy (Justine Pineda Buan, Esq.) 5/02/2017.*

Meanwhile, however, Applicant petitioned for a third commutation, this time in the amount of \$4,000.00. *Petition for Commutation of Future Payments 5/10/2017.* Defendant objected to the third commutation but not the re-submission of the proposed revised first commutation. Defendant warned that a third commutation "will create a greater gap between her PD Award and life pension payments." *Correspondence of Hanna, Brophy (Elizabeth Barraveccia, Esq.) 5/25/2017.*

Defendant's objection was overruled and Awards of Commutation issued on June 6, 2017. Applicant was awarded the requested additional \$4,000.00. Applicant's then-attorneys were awarded an additional \$14,845.60 commuted from Life Pension entitlements. It was specified that Applicant's entitlement to permanent partial disability indemnity at the reduced rate of \$265.25 per week was scheduled to end on August 21, 2028 and her entitlement to Life Pension payments at an initial rate of \$189.06 per week, subject to State Average Weekly Wage (SAWW) adjustment pursuant to Lab.C. §4659 was set to begin on October 4, 2029. *Awards of Commutation 6/06/2017 pp. 1-2.*

The public policy preference for periodic payments and the potential hardship of the expanded gap between the end of permanent partial disability indemnity and

the start of Life Pension payments were noted. However, Applicant's immediate financial need for "funds to establish a separate residence demonstrates that the requested third commutation is in her best interest." *Awards of Commutation 6/06/2017 p. 3 (Opinion on Decision)*.

The revised first commutation for attorneys' fees and the awarded third commutation became final judicial determinations. Applicant thereafter dismissed her former law firm. *Dismissal of Attorneys 8/25/2017*.

Just under five years later, Applicant declared her readiness to proceed, complaining that her benefit payments were tardy and irregular. *Declaration of Readiness to Proceed 8/06/2021*. A Status Conference was held with no reported changes. *Minutes of Hearing 9/21/2021*.

Just over four years thereafter, Applicant requested an Expedited Hearing. She reported that permanent disability indemnity payments had terminated prior to the August 21, 2028 date specified in the Awards of June 6, 2017 and that Life Pension payments had not begun.[] *Declaration of Readiness to Proceed to Expedited Hearing 2/6/2026*. Defendants responded at the Expedited Hearing that, notwithstanding the fact that August 21, 2028 had not occurred, they nevertheless had paid all the permanent disability indemnity that was due and were entitled to wait until the start of their Life Pension obligation before paying any more. The parties agreed to settle their dispute. The Minutes of Hearing report:

Applicant's DOR-end of PPD benefits after commutation. Defendant claims all PD indemnity that is due has been paid. Applicant notes dates on prior Commutation Award have not occurred. After discussion of options, Parties agree to resolve their disputes with commutation of Applicant's entire entitlement to Life Pension. By copy of these Minutes of Hearing, DEU is instructed to prepare Consultative Rating of the present value of Applicant's Life Pension, assuming existing starting date and 2.5% SAWW. Notice is hereby given that, after receipt of the DEU's calculations unless an objection showing good cause to the contrary is filed and served (ten days plus five days for service) The requested commutation will be awarded and ordered paid. *Minutes of Hearing-Notice of Intention to Commute Life Pension 2/06/2026*.

The DEU provided the requested calculation, yielding a present value of \$171,296.00. *Consultative Rating 2/13/2026*. The calculated sum was awarded. *Award 3/16/2026*.

Petitioner objected, alleging that it had not been provided with the fifteen days to object specified in the disposition order and that it believed that the DEU calculation was inaccurate. *Objection to Commutation[sic] 3/25/2026*. Petitioner thereafter filed the pending petition. *Petition for Reconsideration 4/08/2026*.

(Report, May 11, 2026, p. 1, ¶ 1-p. 2, ¶ 1; p. 3, ¶ 5-p. 6, ¶ 1.)

DISCUSSION

I.

Former Labor Code section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, Labor Code section 5909 was amended to state in relevant part that:

(a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.

(b)

(1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.

(2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under Labor Code section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on May 11, 2026, and 60 days from the date of transmission is July 10, 2026. This decision is issued by or on July 10, 2026, so that we have timely acted on the petition as required by Labor Code section 5909(a).

Labor Code section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Labor Code section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on May 11, 2026, and the case was transmitted to the Appeals Board on May 11, 2026. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by Labor Code section 5909(b)(1) because service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on May 11, 2026.

II.

As discussed below, based upon our review of the record and the WCJ's analysis of the merits of defendant's arguments in the Report, we are persuaded that it is appropriate to grant defendant's Petition for Reconsideration. As explained by the WCJ in the Report:

Petitioner argues that A} The Appeals Board acted without or in excess of its power by awarding a commutation (*Petition for Reconsideration 4/08/2026 p. 5 line 18 to p. 6 line 12*), B} The Applicant has failed to provide evidence of substantial hardship, therefore the Findings of Fact do not support the Commutation Award (*Petition for Reconsideration 4/08/2026 p. 6 line 13 to p. 7 line 11*), and C) The DEU's Consultative Rating of the present value of the Applicant's Life Pension has discrepancies and should be rescinded (*Petition for Reconsideration 4/08/2026 p. 7 line 13 to p. 8 line 1*).

Petitioner's first argument is "The Appeals Board Acted without or in excess of its Powers by Awarding a Commutation." *Petition for Reconsideration 4/08/2026 p. 5 lines 18-19*. Petitioner correctly notes that it was not provided with the time to object to the quantification of the present value of the Life Pension as specified in the Minutes of Hearing of 2/06/2026. *Petition for Reconsideration 4/08/2025 p. 5 line 20 to p. 6 line 12*.

Petitioner is correct. The Award of Commutation issued before the time to object to the commutation rating had expired and without consideration of Petitioner's subsequent objection. It is recommended that reconsideration be granted for this purpose.

* * *

The third argument of the pending petition is "The DEU's consultative rating of the present value of the Applicant's Life Pension has discrepancies and should be rescinded." *Petition for Reconsideration 4/08/2026 p. 7 lines 13-14*. Petitioner indicates that the calculation includes \$20,255.52 in attorneys' fees when the prior allowance derived from Applicant's Life Pension was \$14,845.80. *Petition for Reconsideration 4/08/2026 p. 7 lines 15-25*. Petitioner also complains that the

calculation used the permanent and stationary date of August 19, 2025 rather than the permanent disability indemnity onset date of July 13, 2023 and does not identify the source of the estimate of Applicant's life expectancy. *Petition for Reconsideration 4/08/2026 p. 7 line 21 to p. 8 line 1.*

It is worth noting that there is no discrepancy regarding attorneys' fees. The initial sum of \$20,255.52 was derived entirely from Applicant's entitlement to permanent partial disability indemnity. The second and supplemental sum of \$14,845.80 was derived from Applicant's entitlement to a Life Pension. Nor does the allegedly incorrect starting date for permanent disability appear to make any difference to a commutation applying only to anticipated Life Pension payments. Finally, the life expectancy calculations are subject to the schedule specified in 8 CCR §10169 and need not be repeated by the rater.

However, as noted above, Petitioner is entitled to object to the quantification of the present value of the Life Pension as specified in the Trial-level fourth commutation in this case and question the Rating Specialist regarding the alleged discrepancies.

(Report, May 11, 2026, p. 6, ¶ 2-4, p. 7, ¶ 3-5.)

Moreover, all parties in workers' compensation proceedings retain their fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157–158, [65 Cal.Comp.Cases 805].) Due process guarantees all parties the right to notice and an opportunity to be heard. (*San Bernardino Cmty. Hosp. v. Workers' Comp. Appeals Bd. (McKernan)* (1999) 74 Cal.App.4th 928, 936 [64 Cal.Comp.Cases 986].) With respect to notice, "[a]n elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. [Citations.]" (*Armstrong v. Manzo* (1965) 380 U.S. 545, 550.) Determining an issue without giving the parties notice and an opportunity to be heard violates the parties' rights to due process. (*Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584], citing *Rucker, supra*, at pp. 157-158.)

"It is the responsibility of the parties and the WCJ to ensure that the record is complete when a case is submitted for decision on the record. At a minimum, the record must contain, in properly organized form, the issues submitted for decision, the admissions and stipulations of the parties, and admitted evidence." (*Hamilton, supra*, at p. 475.) The WCJ's decision must "set[] forth clearly and concisely the reasons for the decision made on each issue, and the evidence relied on,"

so that “the parties, and the Board if reconsideration is sought, [can] ascertain the basis for the decision[.] . . . For the opinion on decision to be meaningful, the WCJ must refer with specificity to an adequate and completely developed record.” (*Id.* at p. 476, citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350].)

Here, the minute order contained in the Minutes of Hearing and Notice of Intention to Commute Life Pension (Minutes), dated February 6, 2026 and served on February 10, 2026, provided the parties with a total of 15 days to object after receipt of the DEU’s calculations, specifically as follows:

. . . NOTICE IS HEREBY GIVEN THAT AFTER RECEIPT OF THE DEU'S CALCULATIONS UNLESS AN OBJECTION SHOWING GOOD CAUSE TO THE CONTRARY IS FILED AND SERVED (TEN PLUS FIVE DAYS AFTER SERVICE} THE REQUESTED COMMUTATION WILL BE AWARDED AND ORDERED PAID.

(Minutes, February 10, 2026, p. 1.)

Yet, the WCJ issued the Award without prior evidence that the DEU’s calculations were served on the parties and without conducting a hearing. No record was created to support the Award. As such, the record is incomplete, and we cannot complete a meaningful review of the Petition.

Accordingly, due process requires that we grant defendant’s Petition for Reconsideration, rescind the March 16, 2026 Award of Commutation, and return the matter to the trial level for further proceedings consistent with this decision.

III.

Upon return to the trial level, we suggest the WCJ consider the following.

First, we observe that there is a discrepancy as to applicant’s official address of record. On May 1, 2017, applicant’s attorney submitted a change of address for applicant with a street address on Brittany Street. On November 4, 2025, applicant in pro per submitted a Declaration of Readiness to Proceed also identifying Brittany Street as her address of record. Beginning with the February 10, 2026 proof of service for the Minutes, applicant’s official address of record identifies a street address on Yucatan Avenue. Yet, a subsequent proof of service for the Minutes dated February 23, 2026 reflects it was served to applicant at Brittany Street. To ensure the parties of interest receive adequate notice, the WCJ and the parties should confirm that all parties of interest

are correctly identified with their correct official address of record. (See, *DiFusco v. Hands On Spa* (2025) 90 Cal.Comp.Cases 1007 (Appeals Bd. en banc).)

Second, as discussed below, contrary to defendant's claim, the fact that the Award of Commutation was granted is settled, and the remaining issue is limited to the amount to be commuted.

In this case, the language of the Minutes unequivocally reflects that the parties voluntarily stipulated to the fourth commutation at issue herein with the only outstanding issue being the DEU's calculation of the present value of applicant's life pension. Specifically, the MOH states:

DEFENDANT CLAIMS ALL PD INDEMNITY THAT IS DUE HAS BEEN PAID. APPLICANT NOTES DATES ON PRIOR COMMUTATION AWARD HAVE NOT OCCURRED. ***AFTER DISCUSSION OF OPTIONS, PARTIES AGREE TO RESOLVE THEIR DISPUTES WITH COMMUTATION OF APPLICANT'S ENTIRE ENTITLEMENT TO LIFE PENSION.*** BY COPY OF THESE MINUTES OF HEARING, DEU IS INSTRUCTED TO PREPARE CONSULTATIVE RATING OF PRESENT VALUE OF APPLICANT'S LIFE PENSION, ASSUMING EXISTING STARTING DATE AND 2.5% PER ANNUM SAWW. . .

(Minutes, February 10, 2026, p. 1, emphasis added.)

There are 25 days allowed within which to file a petition for reconsideration from a "final" decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(a)(1), former 10507(a)(1).) This time limit is extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10600, former 10508.) To be timely, however, a petition for reconsideration must be filed (i.e., received) within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10940(a), former 10845(a); 10615(a), former 10392(a).)

This time limit is jurisdictional and, therefore, the Appeals Board has no authority to act upon or consider an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal. App. 4th 1068, 1076 [65 Cal. Comp. Cases 650, 656]; *Rymer v. Hagler* (1989) 211 Cal. App. 3d 1171; *Scott v Workers' Comp. Appeals Bd.* (1981) 122 Cal. App. 3d 979, 984 [46 Cal. Comp. Cases 1008, 1011]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com.* (*Hinojoza*) (1962) 201 Cal. App. 2d 545, 549 [27 Cal. Comp. Cases 73, 75–76].)

Here, the Minutes were served on February 10, 2026 to official addresses of record all located within California. Based on the authority cited above, the parties had 25 days to file a

timely petition for reconsideration of the WCJ's minute order, or Monday, March 9, 2026, given 25 days fell on Saturday, March 7, 2026. Defendant did not timely object to or seek reconsideration of the Minutes nor did defendant allege it did not receive the Minutes. As such, the Appeals Board does not have jurisdiction to hear the Petition for Reconsideration to the extent it may suggest the stipulations from the February 10, 2026 Minutes are not binding, and the February 10, 2026 minute order remains a final decision.

However, even if defendant had sought timely reconsideration of the February 10, 2026 minute order and we were to decide the matter on the merits, we would have denied it based on the WCJ's analysis in the Report. As stated by the WCJ in the Report:

Petitioner's second argument is "The Applicant has failed to provide evidence of substantial hardship, therefore the Findings of Fact do not support the commutation Award. *Petition for Reconsideration 4/08/2026 p. 6 lines 13-15*. Petitioner correctly argues that periodic payment of indemnity compensation is preferred and that lump sum payments should be based on a finding that commutation is necessary for the protection of the employee and/or is in her best interest. *Petition for Reconsideration 4/08/2026 p. 6 line 15 to p. 7 line 12*.

The first problem with the second argument of the pending petition is that Petitioner stipulated to the fourth commutation. *Minutes of Hearing-Notice of Intention to Commute Life Pension 2/06/2026*. The Appeals Board may rely on the stipulations of the parties and Applicant had no duty to prove a stipulated fact.

The second problem with the second argument of the pending petition is the undisputed fact that Applicant is not presently receiving indemnity compensation and will, without the fourth commutation, remain uncompensated until the start of Life Pension payments in October 2029. This is felt to be a sufficient hardship to outweigh the public policy interest in periodic payments and justify the fourth commutation.

Furthermore, if the petition is granted outright, such that Petitioner is relieved from its stipulation to a fourth commutation, Applicant should be relieved as well and expressly authorized to re-assert her argument that she is entitled to permanent partial indemnity at the rate of \$265.25 per week from Petitioner's last timely and regular payment until August 21, 2028 and to resist credit for other payments on any proper basis.

(Report, May 11, 2026, p. 6, ¶ 5-p. 2)

Stipulations are binding on the parties unless, on a showing of good cause, the parties are given permission to withdraw from their agreements. (*County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114, 1121 [65 Cal.Comp.Cases 1].) As defined

in *Weatherall*, “A stipulation is ‘An agreement between opposing counsel...ordinarily entered into for the purpose of avoiding delay, trouble, or expense in the conduct of the action,’ and serves ‘to obviate need for proof or to narrow range of litigable issues’ in a legal proceeding.” (*Id.* at p. 1119, citations omitted.)

“Good cause” to set aside an order or stipulations depends upon the facts and circumstances of each case. “Good cause” includes mutual mistake of fact, duress, fraud, undue influence, and procedural irregularities. (*Johnson v. Workmen’s Comp. Appeals Bd.* (1970) 2 Cal.3d 964, 975 [35 Cal.Comp.Cases 362]; *Santa Maria Bonita School District v. Workers’ Comp. Appeals Bd.* (2002) 67 Cal.Comp.Cases 848, 850 (writ den.); *City of Beverly Hills v. Workers’ Comp. Appeals Bd.* (1997) 62 Cal.Comp.Cases 1691, 1692 (writ den.); *Smith v. Workers’ Comp. Appeals Bd.* (1985) 168 Cal.App.3d 1160, 1170 [50 Cal.Comp.Cases 311] (writ den.).)

Here, there is no evidence to suggest good cause exists that would permit defendant from withdrawing from its previously agreed upon stipulation to commute applicant’s remaining life pension, and we find no reason to disturb the Minutes. Thus, contrary to defendant’s assertion, the fact of the commutation is not at issue in this case, and the issues is limited to the amount of the present value of applicant’s life pension to be commuted. For this reason, it is unnecessary to deny any part of the Petition.

Accordingly, due process requires that we grant defendant’s Petition for Reconsideration, rescind the March 16, 2026 Award of Commutation, and return this matter to the trial level for further proceedings consistent with this decision.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Reconsideration of the March 16, 2026 Award of Commutation is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the March 16, 2026 Award of Commutation is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 10, 2026

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

**DONNA NICKELL
CHAIN, COHN, STILES
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

DC/pm

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