

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

ONIK KHATCHATRIAN, *Applicant*

vs.

**INTERPRINT PRINTING COMPANY; CRUM & FORSTER for U.S. FIRE
INSURANCE, TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA, and
EVEREST NATIONAL INSURANCE, administered by AMERICAN CLAIMS
MANAGEMENT, *Defendants***

**Adjudication Number: ADJ7324853
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, United States Fire Insurance Company (U.S. Fire), petitions for reconsideration of the Findings, Award and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on September 27, 2019. In that decision, the WCJ found that applicant, Onik Khatchatrian, sustained cumulative injury arising out of and in the course of employment to his neck, lumbar spine, knees, right elbow, right shoulder, and consisting of hypertension and a sleep disturbance while employed as a binder and collector by Interprint Printing Company from May 10, 2009, through March 31, 2010, and then by Pegasus from April 1, 2010 through May 18, 2010. The WCJ also found that applicant's injury caused temporary disability from May 18, 2010 through May 17, 2012, permanent partial disability of 50% and need of further medical treatment to cure or relieve from the effects of the injury. The WCJ awarded benefits against U.S. Fire and Travelers Property Casualty Company of America (Travelers) jointly and severally.

Defendant U.S. Fire contends in its petition for reconsideration that the WCJ erred in (1) not finding an additional cumulative trauma for the knees for which Travelers is liable during the period May 17, 2009 and May 17, 2010; (2) not finding an additional cumulative trauma for the right elbow for which Everest National Insurance Company (Everest) and the State Compensation Insurance Fund is liable during the period 2003 to September 8, 2006; and (3) not finding an additional specific right elbow injury for which Everest is liable in 2003.

We granted reconsideration¹ to further study the factual and legal issues presented. Subsequently, the parties participated in a commissioners' settlement conferences at our request. On November 4, 2021, the parties informed us that all parties have reached an agreement in principle to settle this matter by compromise and release and that settlement papers are being circulated for signature.

In order to expedite review and approval of the Compromise and Release, we will rescind the September 27, 2019, Findings, Award and Order and remand this matter to the WCJ to consider the settlement. 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 filed by U.S. Fire. If the WCJ does not approve the settlement, he can issue an order reinstating his original decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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

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

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings, Award and Order issued in this matter on September 27, 2019, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release to be filed at the district office, and for such further proceedings as he deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 22, 2021

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

**ONIK KHATCHATRIAN
NORDANYAN LAW
QUINTAIROS, PRIETO, WOOD & BOYER
LAW OFFICES OF LOWER KESNER
STATE COMPENSATION INSURANCE FUND
TRINIDAD & ASSOCIATES**

DH/ara

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