

WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

JAIME ALDRETE, *Applicant*

vs.

EL TARASCO GRILL INC.;
TECHNOLOGY INSURANCE COMPANY administered by AMTRUST, *Defendants*

Adjudication Number: ADJ11803247
Los Angeles District Office

OPINION AND DECISION
AFTER RECONSIDERATION

Defendant Technology Insurance Company administered by Amtrust petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on September 14, 2022 in which lien claimant Bell Community Medical Group was found to have provided reasonable and necessary services, and the judge ordered the parties to adjust the fee schedule value of lien claimant' services.

Defendant contends in its petition for reconsideration that the WCJ erred in finding that lien claimant proved their services were reasonable and necessary as well as legally compliant and timely, and that lien claimant failed to prove industrial injury.

Lien claimant filed an answer to the Petition.

The WCJ issued a report in which he recommended that the defendant's petition 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 agreed to resolve this matter by stipulation. On February 17, 2023, the parties executed and filed a Stipulation to pay Lien Claimant settling the matter for \$ 6,000.00 as full and final settlement of the dispute. The stipulation, signed by Representatives Marti Oregel for lien

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated November 9, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

claimant, and Donald Hodge from Medical Cost Review for defendant, Technology Insurance Company, administered by Amtrust provides as follows:

Having waived the provisions of Labor Code Sec. 5313, the parties stipulate as follows:

Defendant Amtrust agrees to withdraw its Petition for Reconsideration.

Defendant Amtrust agrees to pay and lien claimant Bell Community Medical Group agrees to accept \$6,000.00 as full and final satisfaction to resolve its lien filed on April 21, 2020 in the amount of \$22,165.80. Penalty and interest waived if payment is issued within 30 days to;

Bell Community Medical Group
4001 E. Florence Ave.
Bell, CA90201
TAX I.D. No. 95-XXXXXXX

We conclude that the Stipulations filed by lien claimant and defendant is adequate and should be approved.

Finally, we commend the parties for engaging in good faith negotiations and successfully resolving this matter without the need for 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 of the WCJ issued September 14, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Bell Community Medical Center and defendant, Technology Insurance Company, administered by Amtrust, by and through their representatives, executed and filed on February 17, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 2, 2023

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

**MEDICAL COST REVIEW
BELL COMMUNITY MEDICAL GROUP**

LAS/ara

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