

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

RAMON JIMENEZ, *Applicant*

vs.

**VENSURE HR, INC.; LCF LX BUSINESS SERVICES; HARTFORD; GREAT
NORTHERN INSURANCE COMPANY, administered by CHUBB GROUP, SECURITY
NATIONAL INSURANCE COMPANY, CALIFORNIA INSURANCE COMPANY,
administered by APPLIED RISK SERVICES, *Defendants***

**Adjudication Numbers: ADJ10776417; ADJ10784040
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant Vensure HR, Inc. LCF LX Business Services, Inc. and Security National Insurance Company administered by AmTrust North America, petitioned for reconsideration of the Findings and Order of the workers' compensation arbitrator in this matter on March 9, 2022. In that decision, the arbitrator made findings, including a finding that the WCJ's decision dated March 17, 2020 in which it was found that the general employer of the applicant was Vensure HR, Inc. LCF LX Business Services, Inc., was a final decision and as such, the arbitrator lacked jurisdiction to disturb such a finding. The arbitrator further found that Security National Insurance Company was liable for the applicant's injury because they covered the general employer, Vensure HR, Inc. LCF LX Business Services.

Defendant contends in its petition that the arbitrator erred in finding defendant responsible for the coverage of applicant as an employee because applicant was not covered under the client service agreement between Vensure HR, Inc. and LX Business, and that LX Business Services should be solely responsible, as applicant's payroll checks were issued by LX Business Services. In the alternative, petitioner contends there should be joint and several liability between petition and LX Business Services.

The arbitrator 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 the case by Compromise and Release as to all issues.

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 a workers' compensation administrative law judge (WCJ) of the proposed settlement, we will rescind the March 9, 2022 Findings and Orders from which reconsideration is sought and return this matter to the District Office in Los Angeles for a WCJ 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.

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

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated May 27, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member was appointed in her place.

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 March 9, 2022, be **RESCINDED**, and that this matter is **RETURNED** to the district office in Los Angeles for a workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as is deemed appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 15, 2023

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

**THE DOMINGUEZ FIRM
GLENN L. SILVERII & ASSOCIATES
HALLETT, EMERICK, WELLS & SAREEN, PLC
RAMON JIMENEZ
TESTAN LAW
MARK L. KAHN, ARBITRATOR**

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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. *abs*