

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

GEORGE ZEBER, *Applicant*

vs.

NEW YORK YANKEES; TRAVELERS INDEMNITY COMPANY, *Defendants*

**Adjudication Number: ADJ10857121
Santa Ana District Office**

**OPINION AND DECISION
AFTER REMAND**

The following Opinion and Decision After Remand is issued pursuant to the February 9, 2023 Order made by the Fourth District Court of Appeal (Div. 3) in G061960, which concerned the Petition for Writ of Review filed by Travelers Indemnity Company (“Travelers”) against the Appeals Board’s Opinion and Order Granting Petition for Reconsideration and Decision After Reconsideration of September 13, 2022.

In response to Travelers’ Petition for Writ of Review, the Appeals Board submitted a letter-brief to the Court of Appeal that stated in pertinent part: “After further review of the record in this case, and the [Appeals Board’s decision of September 13, 2022], the Appeals Board concurs in part with [Travelers], i.e., no award can issue against [Travelers] until the deferred insurance coverage issues are finally adjudicated. [¶] Accordingly, the Appeals Board respectfully requests that the Court annul the [Appeals Board’s decision of September 13, 2022] and remand this matter to the Appeals Board to issue a corrected award.”

In response to the Appeals Board’s letter brief and the other appellate pleadings filed by the parties, the Court issued its Order of February 9, 2023, which simply vacated the Appeals Board’s decision of September 13, 2022 and remanded this matter to the Appeals Board for further proceedings. Consistent with the Court’s Order, and the decision of September 13, 2022 having been vacated by the Court, we will issue a new decision in place of the September 13, 2022 decision that reinstates and affirms it but rescinds and deletes the Award, pending further proceedings and final determination of the outstanding substantive issues at the trial level.

For the foregoing reasons,

IT IS ORDERED, as the Decision After Remand of the Workers' Compensation Appeals Board, that the Opinion and Order Granting Petition for Reconsideration and Decision After Reconsideration of September 13, 2022 is **REINSTATED** and **AFFIRMED**, except that the Award originally included in the September 13, 2022 Decision is **RESCINDED** and **DELETED** from said Decision.

IT IS FURTHER ORDERED, as the Decision After Remand of the Workers' Compensation Appeals Board, that the issuance of an Award in applicant's workers' compensation case against the New York Yankees is **DEFERRED**, and that this matter is **RETURNED** to the trial level for further proceedings, including but not limited to mandatory arbitration of insurance coverage, and for final determination of all outstanding substantive issues at the trial level, with jurisdiction reserved there.

WORKERS' COMPENSATION APPEALS BOARD

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 1, 2024

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

**GEORGE ZEBER
MIX & NAMANNY
GOLDBERG SEGALLA
DIMACULANGAN & ASSOCIATES**

JTL/ara

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