

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

JULIE GONZALEZ, *Applicant*

vs.

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION;
STATE COMPENSATION INSURANCE FUND, *Defendant***

**Adjudication Number: ADJ12112432
Stockton District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant California Department of Corrections and Rehabilitation petitions for reconsideration of the Findings of Fact, Award and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on February 28, 2022. In that decision, the WCJ found that applicant Julie Gonzalez sustained cumulative injury to her right shoulder and elbow arising out of and in the course of her employment as a psychiatric technician by defendant during a period ending October 23, 2018, resulting in permanent partial disability of 13% and need for further medical treatment.

Defendant contends in its petition for reconsideration that the WCJ erred in finding injury to the right elbow and permanent partial disability of 13%.

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.

On December 21, 2023, the parties filed executed Stipulations With Request for Award.

¹ Commissioner Deidra E. Lowe signed the Opinion and Order Granting Petition for Reconsideration dated May 13, 2022. Commissioner Lowe is no longer a member of the Appeals Board. Accordingly, a new panel member has been substituted in her place. Commissioner Dodd, who also signed the Opinion and Order Granting Petition for Reconsideration is not currently available. A new panel member has thus been substituted in her place.

In order to expedite review and approval of the Stipulations, we will rescind the February 28, 2022 Findings of Fact, Award and Orders and remand this matter to the WCJ to consider the Stipulations. 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. If the WCJ does not approve the Stipulations, he can issue an order reinstating his decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings of Fact, Award and Orders issued on February 28, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **RETURNED** to the workers' compensation administrative law judge for further proceedings consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 11, 2024

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

**CENTRAL VALLEY INJURED WORKER LEGAL CLINIC
JULIE GONZALEZ
STATE COMPENSATION INSURANCE FUND**

DH/ara

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