

1 **WORKERS' COMPENSATION APPEALS BOARD**

2 **STATE OF CALIFORNIA**

3
4 **Case No. AHM 70712**

5 **JEANNIE KARAISKOS,**

6 *Applicant,*

7 **vs.**

8 **METAGENICS, INC.; CALIFORNIA**
9 **COMPENSATION INSURANCE CO., In**
10 **Liquidation; CALIFORNIA INSURANCE**
11 **GUARANTEE ASSOCIATION; and RISK**
12 **ENTERPRISE MANAGEMENT LTD.**
13 **(Servicing Facility),**

14 *Defendant(s).*

15 **OPINION AND DECISION**
16 **AFTER REMITTITUR¹**
17 **(EN BANC)**

18 The following Decision After Remittitur is issued pursuant to the Remittitur to this
19 Appeals Board by the Second District Court of Appeal (Division Three), filed June 14, 2004, in
20 which the Court certified that its decision of March 30, 2004 had become final. In that decision,
21 the Court held that the Employment Development Department's (EDD's) lien is an obligation to
22 a state because the EDD is a department of the State of California. Hence, its lien claim is not
23 "covered claim" that CIGA is required to pay. (Ins. Code, § 1063.1, subd. (c)(4).) The Court
24 reversed the Appeals Board's decision of July 15, 2002 and remanded the matter here for further
25 proceedings in accordance with the Court's opinion. Accordingly, we will rescind our decision
26 of July 15, 2002 and reinstate and affirm the Appeals Board panel's decision of June 4, 2001
27 (which found that CIGA is not required to pay EDD.)

¹ Commissioner Colleen S. Casey signed the Appeals Board's prior en banc decision in this matter, but she is no longer a member of the Appeals Board, and it was necessary to assign another panel member in her place.

1 For the foregoing reasons,

2 **IT IS ORDERED**, that it is the Decision After Remittitur of the Appeals Board (En
3 Banc) that the “Opinion and Decision After Reconsideration (En Banc)” of July 15, 2002 is
4 hereby **RESCINDED**, and that the “Opinion and Order Dismissing Petition for Reconsideration,
5 Granting Petition for Removal, and Decision After Removal” of June 4, 2001, the relevant
6 portion of which is restated below, is hereby **REINSTATED AND AFFIRMED**:

7 “[T]he Findings and Order issued by the WCJ on March 13, 2001 is **AFFIRMED**, except
8 that Finding No. 3 and 4 are **RESCINDED**, and the following new Finding No. 3 is hereby
9 **SUBSTITUTED** in their place:

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