

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

MARIA ROMO, *Applicant*

vs.

**INTERIORS, INC. dba WINDSOR ART, INC.; SAFETY NATIONAL INSURANCE
COMPANY, administered by ACCLAMATION MANAGEMENT INSURANCE
SERVICES, Defendants**

**Adjudication Numbers: ADJ315957 (LAO 0786769), ADJ850180 (LAO 0786768)
Pomona District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We granted reconsideration in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

I.

Applicant, Maria Romo, petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on April 13, 2021. In that decision, the WCJ found that applicant's injury to her upper extremities arising out of and in the course of her employment during a cumulative period ending November 12, 2000, as an assembler by defendant, Interiors, Inc. dba Windsor Art, Inc., then insured for workers' compensation liability defendant, Safety National Insurance Company (SNIC), caused permanent partial disability of 31.5% and need of further medical treatment.

Applicant contends in her Petition for Reconsideration that the WCJ erred in not finding that applicant's injury caused permanent total disability.

SNIC filed an answer contending that the petition for reconsideration should be denied.

The WCJ issued a report in which he recommended that applicant's Petition for Reconsideration be denied.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by Compromise and Release.

The Compromise and Release was filed on August 5, 2021. The Compromise and Release provides for a new money settlement of \$100,000, less an attorneys' fee of \$15,000. The Compromise and Release also provides that the Findings and Award issued April 13, 2021, is incorporated and that benefits have been paid in accordance with the Findings and Award. In addition, SNIC agrees to pay, adjust or litigate liens of record.

II.

Labor Code section 5001 states in pertinent part that “[n]o release of liability or compromise agreement is valid unless it is approved by appeals board or referee.”

WCAB Rule 10700 states that:

“The Workers’ Compensation Appeals Board shall inquire into the adequacy of all compromise and release agreements and stipulations with request for award, and may set the matter for hearing to take evidence when necessary to determine whether the agreement should be approved or disapproved, or issue findings and awards.”
(Cal. Code Regs., tit. 8, § 10700.)

Labor Code section 5002 states that:

“A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of its own motion or on the application of either party, enter its award based upon the release or compromise agreement.”

After considering the Compromise and Release in light of the entire record, we conclude that the settlement amount is adequate and that the agreement is in the best interest of applicant. We have considered that any potential right to death benefits is being released. In addition, we conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, we will affirm the Findings and Award issued on April 13, 2021, and approve the Compromise and Release.

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 Award issued in this matter on April 13, 2021, be **AFFIRMED**.

IT IS FURTHER ORDERED that the Compromise and Release filed August 5, 2021, be **APPROVED**.

AWARD IS MADE in favor of **MARIA ROMO** against **SAFETY NATIONAL INSURANCE COMPANY** as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 12, 2021

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

**MARIA ROMO
LAW OFFICES OF RAUL GRANADOS
LAW OFFICES OF BRADFORD & BARTHEL**

DH/ara

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