

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

AURELIO VAZQUEZ, *Applicant*

vs.

AURA SYSTEMS; STATE COMPENSATION INSURANCE FUND, *Defendants*

**Adjudication Numbers: ADJ8641717 (MF), ADJ9729146
Oxnard District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Both lien claimant, Med-Legal, LLC and defendant State Compensation Insurance Fund separately petitioned for reconsideration of the Joint Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on July 21, 2021. In that decision, the WCJ awarded lien claimant reimbursement for three of the invoices related to the subpoenaed records from three locations together with penalty and interest, and less credit for sums previously paid.

Petitioner, Med-Legal contends in its petition for reconsideration that the WCJ erred in disallowing payment of the invoices relating to the SCIF claims file on the basis that such services were not reasonably, actually, and necessarily incurred.

Petitioner, State Compensation Insurance Fund contends in its petition for reconsideration that the WCJ erred in his awarding of benefits as lien claimant failed in their burden of proof, and that the defendant was not required to provide proofs of service for each Explanation of Benefit (EOB) to prove timeliness.

The WCJ issued two reports and recommendations recommending that both parties' petitions for reconsideration be denied.

We granted reconsideration to further study the factual and legal issues presented.¹

¹ Commissioner Deidra E. Lowe, who was on the panel that granted reconsideration to further study the factual and legal issues in this case, no longer serves on the Appeals Board. Another panelist has been assigned in her place.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On September 29, 2022, the parties filed a fully executed Stipulation to pay Lien Claimant Med-Legal the sum of \$1,000.00 new money in full and final satisfaction of Med-Legal's lien. The stipulation, signed on September 29, 2022, by representative Carlos Duenas for lien claimant, and by attorney Murray Bader, attorney for defendant, provides as follows:

Lien Claimant, MedLegal Services, LLC, the assignee/successor in interest of the provider-in-fact Med Legal LLC, claims an outstanding balance due for copy services rendered in these cases, plus penalty and interest per Labor Code Section 4622, totaling \$5,988.11,

Lien Claimant has been represented in this WCAB Mediation by Carlos Duenas of Liening Edge Inc. and Medical Lien Management Inc.; Defendant State Fund has been represented by Murray Bader.

The parties have agreed to resolve this contested matter for \$1,000.00 in full and final satisfaction. This settlement resolves all dates of service claimed in the cases at bar along with any/all issues arising out of the lien matter. Settlement is contingent upon (1) WCAB approval and upon (2) WCAB rescission of the trial judge's Joint Findings and Award dated 7/21/2021. Lien claimant waives penalty and interest on payment of the award of this Stipulation and Award/Order. State Fund reserves its right of contribution and/or reimbursement from defendant AmTrust North America (who did not participate at trial nor in WCAB Mediation).

We conclude that the Stipulations filed by lien claimant and defendant should be approved.

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 Joint Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on July 21, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Med-Legal and defendant State Compensation Insurance Fund, by and through their representatives, and filed on September 29, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 11, 2022

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

**MED-LEGAL PHOTOCOPY
STATE COMPENSATION INSURANCE FUND
MICHAEL SULLIVAN**

LAS/ara

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