

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

MANUEL ZAVALA, *Applicant*

vs.

**MILO MARBLE & TILE, INC.; STATE COMPENSATION INSURANCE FUND,
*Defendants***

**Adjudication Number: ADJ3754504 (LAO 0856750)
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, State Compensation Insurance Fund petitioned for reconsideration of the Findings and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on September 24, 2021. In that decision, the WCJ awarded lien claimant, Tower Imaging DBA Tower Copy the total sum of \$6,192.35 plus penalties of \$619.24 for the 15 copy service invoices submitted for payment which represented 73.7% of the billed amount based upon a Market Rate analysis offered by lien claimant.

Petitioner, State Compensation Insurance Fund contends in its petition for reconsideration that the WCJ erred in allowing payment for these services asserting that lien claimant failed to prove the services were reasonable, necessary, and actually incurred. Petitioner further alleges that the WCJ should have utilized the Fee Schedule as set forth in California Code of Regulations Section 9983 instead of the Market Rate Analysis to determine the reasonable value of lien claimant's services.

Petitioner requests that the Petition be granted, that the Findings and Orders be set aside, and that a new decision issue thereafter.

The WCJ issued a report in which he recommended that the petition for reconsideration be denied.

We granted reconsideration¹ to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On September 22, 2022, the parties executed a Stipulation to pay Lien Claimant settling the matter for \$6,000.00 as full and final settlement of the dispute. The stipulation, signed by representative Ani Balian for lien claimant, and Kara Arredondo, counsel for defendant, State Compensation Insurance Fund, provides as follows:

Lien Claimant, Tower Imaging DBA Tower Copy retains an outstanding balance of \$14,706.02, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.

Lien Claimant being represented by Ani Balian and Defendant being represented by Kara Arredondo of SCIF agree to resolve the above referenced amount for a total sum of \$6,000.00 as full and final satisfaction of Tower Copy's lien.

This settlement resolves any and all dates of service for Tower Copy in the case at bar along with all lien matters involving the same.

Payment will be made upon receipt of WCAB approval (Order/Award) of these stipulations.

P&I waived if paid within 30 days from service of Order on State Compensation Insurance Fund along with tax ID information and current W-9 if requested.

We conclude that the Stipulations filed by lien claimant and defendant is adequate and 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.

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.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Orders issued September 24, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Tower Imaging DBA Tower Copy and defendant State Compensation Insurance Fund, by and through their representatives, executed and filed on September 22, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 6, 2022

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

**TOWER IMAGING
STATE COMPENSATION INSURANCE FUND**

LAS/ara

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

CS