

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

MARIA GUADALUPE TAFOYA, *Applicant*

vs.

R A FARMS LABOR SERVICES; AMTRUST CONCORD, *Defendants*

**Adjudication Number: ADJ11357027
Bakersfield District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant Del Carmen Medical Center petitioned for reconsideration of the Order Dismissing Lien Claimant without prejudice which was issued by the workers' compensation administrative law judge (WCJ) in this matter on August 5, 2022. The Order of Dismissal was in response to a Petition to Dismiss filed by defendant as to Del Carmen Medical Center for lack of prosecution of its lien.

Petitioner, Del Carmen Medical Center contends in its petition for reconsideration that the WCJ violated their due process rights in dismissing their lien as the defendant was aware petitioner had been actively negotiating resolution of their lien, had requested certain items of discovery from defendant, had not yet been served with the Order approving Compromise and Release of the underlying case, and, while admittedly untimely, had filed an objection to the Notice of Intent to Dismiss their lien prior to the Order of Dismissal date.

The WCJ issued a report in which he recommended that the lien claimant's petition be denied.

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 and agreed to resolve this matter by stipulation. On February 9, 2023, the parties executed

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated October 31, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

and filed a Stipulation to pay Lien Claimant settling the matter for \$2,500.00 as full and final settlement of the dispute. The stipulation, signed by Representative William Espinoza for lien claimant, and Ann E. Walker, counsel for defendant, Security National Insurance, administered by Risico/Amtrust provides as follows:

Having waived the provisions of Labor Code Sec. 5313, the parties stipulate as follows:

Lien Claimant Del Carmen Medical Center has filed a lien dated 8/6/2020 in the sum of \$8,288.00.

The parties hereto agree to accept the sum of \$2,500 as full payment and satisfaction of the above lien claim.

The basis for said lien was services provided as self-procured treatment.

Defendant will have 30 days from issuance of the Order to issue payment pursuant to this agreement without incursion of any penalties or interest.

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.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Order Dismissing the lien of Del Carmen Medical Center issued August 5, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Del Carmen Medical Center and defendant, Security National Insurance Company, administered by Risico/Amtrust, by and through their representatives, executed and filed on February 9, 2023, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 2, 2023

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

**DEL CARMEN MEDICAL CENTER
YRULEGUI & ROBERTS**

LAS/ara

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