

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

TRACY GARCIA, *Applicant*

vs.

**BUENA PARK SCHOOL DISTRICT, Permissibly Self-Insured, Administered by
KEENAN & ASSOCIATES, *Defendants***

**Adjudication Number: ADJ7693560
Santa Ana District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, Buena Park School District, and applicant, Tracy Garcia each petition for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on September 23, 2020. In that decision, the WCJ found that applicant's cumulative injury to his back, psyche, gastrointestinal system, and urology system arising out of and in the course of his employment as a food service worker during the period January 1, 2007 to January 4, 2011, by defendant caused additional temporary disability benefits from March 15, 2012 to February 15, 2013, permanent partial disability of 72% and need of further medical treatment. The WCJ issued an Amended Findings and Award on October 16, 2020, which was after both parties had filed their petitions for reconsideration.

Defendant contends in its petition for reconsideration of the September 23, 2020 Findings and Award that the WCJ erred in (1) finding industrial injury to the left knee; (2) finding urologic impairment; (3) incorrectly determining apportionment of liability for permanent disability; (4) finding additional temporary disability; and (5) not ordering further development of the record.

Applicant contends in his petition for reconsideration of the September 23, 2020 Findings and Award that the WCJ erred in not awarding permanent disability indemnity at the weekly rate of \$270.00 a week from February 16, 2013, through April 16, 2013 and \$310.50 from April 17, 2013, through January 16, 2022.

We granted reconsideration to further study the factual and legal issues presented. Subsequently, the parties participated in a commissioners' settlement conferences at our request. On November 4, 2021, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind both the September 23, 2020 Findings and Award and the October 16, 2020 Amended Findings and Award and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as he deems appropriate.

Our decision should not be construed as a ruling on the merits of the petitions for reconsideration. If the WCJ does not approve the settlement, he can issue an order reinstating his decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

Finally, we commend the parties for successfully resolving this complex matter without the need of 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 September 23, 2020, and the Amended Findings and Award issued in this matter on October 16, 2020, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as he deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR /

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 23, 2021

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

**TRACY GARCIA
KATNIK & KATNIK LAWYERS
MICHAEL SULLIVAN & ASSOCIATES**

DH/ara

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