

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

CARMEN LINDSAY, *Applicant*

vs.

JCR INDUSTRIES INC.; REPUBLIC INDEMNITY OF CALIFORNIA, *Defendants*

**Adjudication Numbers: ADJ10620027, ADJ10620087
San Bernardino District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant RMS Medical Group filed a petition for reconsideration of the Joint Findings and Order and Award issued by the workers' compensation administrative law judge (WCJ) in this matter and served on July 8, 2022. In that decision, the WCJ found that lien claimant RMS failed to meet their burden to prove entitlement to payment for self-procured treatment as well as prove any of their charges constituted medical-legal services. The WCJ awarded payment for limited services prior to the date of denial of claim in the total sum of \$726.21.

The WCJ issued a report and recommendation that the lien claimant's petition for reconsideration be denied.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request. On October 24, 2022, the parties filed a fully executed stipulated agreement to pay lien claimant RMS Medical Group as full and final resolution of the issue.

In order to expedite review and approval of the Stipulation, we will rescind the WCJ's Joint Findings and Order and Award served on July 8, 2022 and remand this matter to the trial level. The WCJ may conduct such further proceedings as appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration.

Finally, we commend the parties for successfully resolving this 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Appeals Board that the Joint Findings and Order and Award issued and served in this matter on July 8, 2022, be **RESCINDED**, and that this matter be **REMANDED** to a workers' compensation administrative law judge to consider the Stipulation of the parties to resolve the lien claim and for such further proceedings as appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ MARGUERITE SWEENEY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 16, 2022

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

**RMS MEDICAL GROUP
REPUBLIC INDEMNITY
REPUBLIC INDEMNITY COMPANY OF CALIFORNIA**

LAS/ara

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