

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

CATARINO MARTIN, *Applicant*

vs.

**J&L RV REPAIR; EMPLOYERS COMPENSATION INSURANCE COMPANY;
OAK RIVER INSURANCE COMPANY c/o BERKSHIRE HATHAWAY
HOMESTATE COMPANIES, *Defendants***

**Adjudication Numbers: ADJ1441841 (POM 0301138) (MF), ADJ4486822 (POM 0301139),
ADJ2562913 (POM 0302016), ADJ3620272 (POM 0301137)
Pomona District Office**

OPINION AND DECISION AFTER RECONSIDERATION

Defendant, Employers Compensation Insurance Company, and defendant, Oak River Insurance Company, each petitioned for reconsideration of the Joint Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on May 31, 2022.

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

Subsequently, on September 6, 2022, the parties filed an executed Compromise and Release leaving open applicant's right to further medical treatment. Since workers' compensation administrative law judges are precluded from approving settlements or otherwise acting on a case while it is pending on reconsideration before the Commissioners of the Workers' Compensation Appeals Board (Cal. Code Regs., tit. 8, section 10961), we will rescind the May 31, 2022 Joint Findings and Award and remand this matter to the WCJ to consider the Compromise and Release. The WCJ may conduct such further proceedings as she 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, she can issue an order reinstating her decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

Finally, we commend the parties for 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the Workers' Compensation Appeals Board that the Joint Findings and Award issued in this matter on May 31, 2022, be **RESCINDED**, and that this matter be **REMANDED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further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 she deems appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

SEPTEMBER 14, 2022

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

**CATARINO MARTIN
HINDEN & BRESLAVSKY
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN
DIETZ, GILMOR & CHAZEN**

DH/ara

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