

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

CURTESA RICHARDSON, *Applicant*

vs.

**SUPERIOR COURT OF LOS ANGELES;
COUNTY OF LOS ANGELES, *Defendants***

**Adjudication Number: ADJ8075348
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, Curtesa Richardson, petitioned for reconsideration of the Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on April 30, 2021. In that decision, the WCJ found that the RFA for 84 hours a week of home health assistance dated January 15, 2019 was timely non-certified as was the September 7, 2020 RFA, and that the *Patterson* decision did not apply to this case to authorize ongoing services pursuant to a Stipulated Agreement by the parties dated July 10, 2018.

Petitioner, Curtesa Richardson contends in her petition for reconsideration that the WCJ erred in finding that the Utilization Reviews were untimely since they did not properly address the RFAs by applicant's physician. Petitioner further states that the *Patterson* case is controlling as there has been no change in applicant's medical condition.

The WCJ issued a report recommending 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 November 18, 2022, the parties filed a fully executed Stipulation to resolve the issue of retroactive home health care services for the periods of January 21, 2019 to January 21, 2020 and September 22, 2020 to September 22, 2021,

¹ Commissioner Deidra E. Lowe signed the Opinion and Order Granting Petition for Reconsideration dated July 22, 2021. As Commissioner Lowe is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

which were the subject of the RFA's at issue and the subject of the Petition for Reconsideration for the sum of \$15,000.00. The stipulation, signed on November 10, 2022, by applicant and by attorney David Nitka for petitioner, and on November 16, 2022 by Sonja Gipson, attorney for defendant, provides as follows:

The parties agree to resolve the issues of Home Health Care that were the subject of the Findings of Fact and Order dated April 30, 2021, that is now the subject of further review by the Workers Compensation Appeals Board pursuant to July 22, 2021. In lieu of awaiting a final determination from the Workers Compensation Appeals Board, the parties have agreed to resolve the issues subject to appeal. The parties [are] specifically resolve Home Health Care for the periods of January 21, 2019 to January 21, 2020 (pursuant to January 15, 2019 RFA) and September 22, 2020 to September 22, 2021 (pursuant to RFA September 2, 2020).

In consideration of this settlement, applicant will withdraw the Petition for Reconsideration, and waive further appeal on the periods subject to this Stipulation.

The parties resolve the issue in the sum of \$15,000.00 payable as follows:

\$12,250 payable to Curtesa Richardson

\$2750.00 payable to Nitka Firm Phoenix

Penalties and Interest are waived if payment is issued within 30 days of receipt of the signed Order.

We conclude that the Stipulations filed by petitioner and defendant 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 Findings of Fact, Order, and Opinion on Decision issued by the workers' compensation administrative law judge (WCJ) in this matter on April 30, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Stipulations of petitioner Curtesa Richardson and defendant County of Los Angeles, filed on November 18, 2022, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 1, 2022

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

**CURTESA RICHARDSON
THE NITKA FIRM
OFFICE OF THE COUNTY COUNSEL**

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