

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

DANIEL BLANCO, *Applicant*

vs.

**AMERICAN DYE HOUSE, INC.; TRAVELERS PROPERTY AND CASUALTY
COMPANY OF AMERICA, *Defendants***

**Adjudication Numbers: ADJ8529696, ADJ9280892
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We granted reconsideration¹ in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

I.

Applicant, Daniel Blanco, petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on September 11, 2020. In that decision, the WCJ found in case ADJ8529696 that applicant sustained injury to his psyche and internal systems in the form of hypertension, stroke, obstructive sleep apnea, erectile dysfunction, headaches, diabetes and gastroesophageal reflux disease resulting in need of further medical treatment, temporary disability from June 1, 2012, through June 1, 2014, and permanent partial disability of 38%. The WCJ also found that case ADJ9280892 is duplicative of case ADJ8529696.

Applicant contends in his petition for reconsideration that the WCJ erred in not finding that the injury caused permanent total disability.

Defendant filed an answer contending that the petition for reconsideration should be denied.

The WCJ issued a report in which she recommended that the petition for reconsideration be denied.

¹ Following the grant of reconsideration, Commissioner Snelling and Commissioner Lowe became unavailable to participate. Another commissioners were assigned in their place.

Subsequently, at our request the parties participated in a commissioners' settlement conference and agreed to resolve this matter by compromise and release.

The executed Compromise and Release was filed on July 8, 2022. The amount of the settlement is \$500,000, less credit to defendant for permanent disability indemnity paid of \$43,010, less \$5,000 for home care services provided by Alma Blanco, less \$4,300 payable to the Law Offices of Ramin Younessi for a loan to applicant and less an attorneys' fee of \$69,448.50, leaving a balance of \$378,241.50 payable to applicant in a lump sum. The Compromise and Release also provides that defendant will pay, adjust or litigate liens of record.

II.

Labor Code section 5001 states in pertinent part that “[n]o release of liability or compromise agreement is valid unless it is approved by appeals board or referee.”

WCAB Rule 10700 states that:

“The Workers’ Compensation Appeals Board shall inquire into the adequacy of all compromise and release agreements and stipulations with request for award, and may set the matter for hearing to take evidence when necessary to determine whether the agreement should be approved or disapproved, or issue findings and awards.”
(Cal. Code Regs., tit. 8, § 10700.)

Labor Code section 5002 states that:

“A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of its own motion or on the application of either party, enter its award based upon the release or compromise agreement.”

After considering the Compromise and Release in light of the entire record, we conclude that the settlement amount is adequate and that the agreement is in the best interest of applicant. We have considered that any potential right to death benefits is being released. We also conclude that the attorneys' fee requested is reasonable and should be allowed.

Therefore, we will rescind the Findings and Award issued by WCJ on September 11, 2020, and approve the Compromise and Release.

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 and Award issued on September 11, 2020, be **RESCINDED**.

IT IS FURTHER ORDERED that the Compromise and Release filed July 8, 2022, be **APPROVED**.

AWARD IS MADE in favor of **DANIEL BLANCO** against the **TRAVELERS PROPERTY AND CASUALTY COMPANY OF AMERICA** as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 26, 2022

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

**DANIEL BLANCO
LAW OFFICES OF RAMIN R. YOUNESSI
WOOLFORD & 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*