

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

**MARTIN GARCIA, *Applicant***

**vs.**

**BASIC FIBRES; SAMSUNG FIRE AND MARINE INSURANCE, administered by  
BROADSPIRE; STARR INDEMNITY, administered by GALLAGHER BASSETT,  
*Defendants***

**Adjudication Number: ADJ12108331  
Los Angeles District Office**

**OPINION AND DECISION AFTER RECONSIDERATION**

Defendant Samsung Fire and Marine Insurance (Samsung) and defendant Starr Indemnity (Starr) each petition for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on March 9, 2022. In that decision, the WCJ found that applicant sustained injury to his rectum, left eye, lumbar spine, and left knee arising out of and in the course of his employment as a mechanical welder during a cumulative period from January 1, 2017, to October 28, 2017, by defendant Basic Fibres, insured for workers' compensation liability during that period by Samsung and Starr.

Defendants contend in substance that the WCJ erred in finding that applicant sustained injury arising out of and the course of the employment.

We granted reconsideration to further study the factual and legal issues presented.<sup>1</sup>

Subsequently, the parties participated in a commissioners' settlement conference at our request. On March 3, 2023, the parties filed a fully executed Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the March 9, 2022 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.

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<sup>1</sup> Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated May 27, 2022. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

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 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 on March 9, 2022, be **RESCINDED**.

**IT IS FURTHER ORDERED** 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/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**MARCH 9, 2023**

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

**LAW OFFICES OF ALEXANDER ROSENBERG  
DIETZ, GILMOR & CHAZEN  
MARTIN GARCIA  
QUINTAIROS, PRIETO, WOOD & BOYER**

**DH/ara**

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