

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

JAMES TOWNE, *Applicant*

vs.

**PRO TRAFFIC SERVICES;
BERKSHIRE HATHAWAY HOMESTATE COMPANIES, *Defendants***

**Adjudication Number: ADJ11363830
Santa Ana District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We previously granted reconsideration in order to allow us time to further study the factual and legal issues in this case. We now issue our Opinion and Decision After Reconsideration.

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. The WCJ recommends we deny reconsideration because the issues raised on reconsideration were not raised at trial. We have also received correspondence from defendant dated March 29, 2021 which represents that defendant has made the adjustments that applicant requested in his petition. Based on the representations made by defendant in its March 29, 2021 correspondence, we will vacate our grant of reconsideration and dismiss applicant's petition as moot.

This is not a final decision on the merits of any of the issues pending on reconsideration. If defendant's representations are not accurate, applicant may seek reconsideration of this decision within the proper statutory time frame.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that our March 12, 2021 Opinion and Order Granting Petition for Reconsideration is **VACATED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration of the December 17, 2020 Findings and Order is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 17, 2021

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

**JAMES TOWNE
GATTI FOZ
SIEGEL MORENO & STETTLER**

PAG/abs

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