

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

**JUAN ANTONIO ROJAS AGUSTIN, *Applicant***

**vs.**

**KABUKI JAPANESE RESTAURANT;  
AMGUARD INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ13749524  
Van Nuys District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

We granted reconsideration<sup>1</sup> in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

It has come to the attention of the Appeals Board that, while this matter has been pending on reconsideration, the parties have reached a proposed settlement.

Since the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, former § 10859, now § 10961 (eff. Jan. 1, 2020)), in order to permit review by the workers' compensation administrative law judge (WCJ) of the proposed settlement, we will rescind the decision from which reconsideration is sought and return this matter to the trial level for the WCJ to consider the proposed settlement. If the WCJ does not approve the settlement, the WCJ may issue an order reinstating the original decision and any aggrieved person may timely seek reconsideration from the reinstated decision. This is not a final decision on the merits of any of the issues pending on reconsideration.

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<sup>1</sup> Following the grant of reconsideration, Commissioner Katherine Williams Dodd became unavailable. Another commissioner was assigned in her place.

For the foregoing reasons,

**IT IS ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the WCJ's Order Dismissing Party Defendant of May 21, 2021 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**I CONCUR,**

**/s/ DEIDRA E. LOWE, COMMISSIONER**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**



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

**SEPTEMBER 21, 2021**

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

**JUAN ANTONIO ROJAS AGUSTIN  
TOBIN LUCKS  
TORKAN FARZINPOUR**

**HAV/ara**

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