

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

GAYLE GRANT, *Applicant*

vs.

SAN MATEO COUNTY TRANSIT DISTRICT, *Defendant*

**Adjudication Number: ADJ12212593
Oakland District Office**

**OPINION AND AWARD
OF ADDITIONAL ATTORNEY'S FEES
(LAB. CODE, § 5801)¹**

In its March 20, 2023 order denying defendant's Petition for Writ of Review (No. A165531), the First District Court of Appeal (Div. 5) remanded this matter to the Appeals Board to make a supplemental award of reasonable attorney fees to the attorney for respondent (applicant), based upon services rendered in connection with defendant's petition for writ of review. (Lab. Code, § 5801; *Crown Appliance v. Workers' Comp. Appeals Bd. (Wong)* (2004) 115 Cal.App.4th 620, 627-628 [69 Cal.Comp.Cases 55, 60-61]; *Employers Mutual Liability Insurance Company v. Workers' Comp. Appeals Bd. (Rodriguez)* (1975) 46 Cal.App.3d 104, 108-109 [40 Cal.Comp.Cases 167, 169-170].) The court's order has become final.

On May 5, 2023, applicant's attorney submitted a cover letter and proposed Stipulation and Award, in which it was stipulated by applicant's attorney and defense counsel, pursuant to Labor Code section 5801, that defendant agreed to pay applicant's attorney the sum of \$1,498.00 for the services he performed in connection with defendant's petition for writ of review.

Having reviewed the record, and in view of the parties' stipulation, the Board finds the agreed fee amount of \$1,498.00 to be reasonable, and therefore the Board will issue an award pursuant to the submitted stipulation. (*2 California Workers' Compensation Law & Practice*

¹ Commissioner Marguerite Sweeney signed the May 17, 2022 Opinion and Decision After Reconsideration that was the subject of defendant's petition for writ of review in the Court of Appeal. As Commissioner Sweeney is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

(James Publishing 2022) Attorneys and Representatives, § 17.88 [parties may stipulate to reasonable fee pursuant to Labor Code section 5801].)

For the foregoing reasons,

AWARD IS MADE in favor of Brian J. Thornton and against San Mateo County Transit District, of appellate attorney's fees in the amount of \$1,498.00, in addition to any compensation otherwise paid or payable to the applicant.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

KATHERINE A. ZALEWSKI, CHAIR
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 10, 2023

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

**GAYLE GRANT
BRIAN J. THORNTON, A LAW CORPORATION
AGM LAW OFFICES
EMPLOYMENT DEVELOPMENT DEPARTMENT**

JTL/ara

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