

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

**SHANNA MARSHALL AKA LASHANNA MARSHALL,  
*Applicant***

**vs.**

**GRAND PACIFIC RESORT SERVICES, LP; ZENITH INSURANCE COMPANY,  
*Defendants***

**Adjudication Number: ADJ11190149  
San Diego District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Applicant, Lashanna Marshall, acting without counsel, petitions for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on December 28, 2022. In that decision, the WCJ found that applicant, while employed on November 8, 2017, as a customer service representative by defendant, Grand Pacific Resort Services, LP, then insured for workers' compensation liability by defendant, Zenith Insurance Company, sustained injury arising out of and in the course of employment to her back, resulting in need for medical treatment and permanent partial disability of 3%.

Applicant contends in substance that her condition has worsened and that the WCJ erred in not permitting her to undergo a re-evaluation with the qualified medical evaluator.

We granted reconsideration to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request.

On July 27, 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 December 28, 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 she deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If the WCJ does not approve the settlement, she can issue an order reinstating her decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

We note that the Compromise and Release provides that applicant's two former attorneys, Nick Montes and Leslie Shaw have each filed attorneys' fee liens and that \$7,500 (i.e., 15% of the funds payable to applicant under the settlement) is to be withheld by defendant pending resolution of the lien issues and further order of the WCJ. We also note that applicant disputes that her former attorneys are entitled to recovery on their liens and that applicant requests a hearing on the issues. Therefore, if the WCJ approves the Compromise and Release, she should set the matter for hearing on the attorneys' fee lien issues.

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 December 28, 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 she deems appropriate.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

KATHERINE A. ZALEWSKI, CHAIR  
CONCURRING NOT SIGNING



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

**August 4, 2023**

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

**LASHANNA MARSHALL  
CHERNOW, PINE AND WILLIAMS  
LESLIE SHAW  
NICK MONTES**

**DH/ara**

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