

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

NOEL ALVAREZ, *Applicant*

vs.

**ARCADE BAPTIST CHURCH OF SACRAMENTO;
CHURCH MUTUAL INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ12896583
Sacramento District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, Noel Alvarez, petitions for reconsideration of the Findings of Fact, Awards and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on May 24, 2022. In that decision, the WCJ found that applicant sustained injury to his left leg, right shoulder and psyche and in the form of hypertension arising out of and in the course of his employment as a maintenance worker on December 27, 2019, by defendant, Arcade Baptist Church of Sacramento, then insured for workers' compensation liability by defendant, Church Mutual Insurance Company. The WCJ also found that applicant's injury caused need of further medical treatment and permanent partial disability of 48%.

Applicant contends in substance that the WCJ erred in not finding that applicant's injury caused permanent total disability.

We granted reconsideration to further study the factual and legal issues presented.¹

Subsequently, the parties participated in a commissioners' settlement conference at our request. On April 13, 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 May 24, 2022 Findings of Fact, Awards and Orders and remand this matter to the WCJ to

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated August 12, 2022. Commissioner Sweeney is no longer a member of the Appeals Board. Accordingly, a new panel member has been substituted in her place.

consider the Compromise and Release. The WCJ may conduct such further proceedings as he 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, 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 of Fact, Awards and Orders issued on May 24, 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/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 18, 2023

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

**NOEL ALVAREZ
EASON & TAMBORNINI
GOLDMAN, MAGDALIN & KRIKES**

DH/ara

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