

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

ROBERT LA FOUNTAINE, *Applicant*

vs.

TRADER JOE'S COMPANY; ACE AMERICAN INSURANCE COMPANY, *Defendants*

**Adjudication Number: ADJ9807196
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant, Ace American Insurance Company (AAIC), petitions for reconsideration of the Amended Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on April 26, 2022. In that decision, the WCJ found that applicant sustained injury arising out of and in the course of employment on September 17, 2014, to his cervical spine, lumbar spine, upper and lower gastrointestinal system, headaches and diabetes arising out of and in the course of his employment by defendant, Trader Joe's Company. The WCJ also found that applicant is entitled to home care in an extent to be determined.

AAIC, which insured the employer for workers' compensation liability at the time of the injury, contends that the WCJ erred in finding that defendant denied medical care and that applicant is entitled to home care and reimbursement for self-procured home care.

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 December 15, 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 April 26, 2022 Amended Findings and Award and remand this matter to the WCJ to consider

¹ Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated June 24, 2022. Commissioner Sweeney is no longer a member of the Appeals Board. Accordingly, a new panel member has been substituted in her place.

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 Amended Findings and Award issued on April 26, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **REMANDED** to the workers' compensation administrative law judge for further proceedings consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

December 26, 2023

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

**ROBERT LA FOUNTAINE
MICHAEL BURGIS AND ASSOCIATES, P.C.
GREENUP, HARTSON & ROSENFELD, LLP**

DH/ara

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