

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

EMMA YOST, *Applicant*

vs.

**CIMINO CARE DBA CITRUS HEIGHTS TERRACE and CYPRESS INSURANCE
COMPANY c/o BHHC, *Defendants***

**Adjudication Number: ADJ10320054
Sacramento District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant Emma Yost petitions for reconsideration of the Findings, Award and Orders issued by the workers' compensation administrative law judge (WCJ) in this matter on September 15, 2020. In that decision, the WCJ found that applicant's industrial injury to her left knee while employed by defendant Cimino Care dba Citrus Heights Terrace as a cook on August 31, 2015, caused permanent partial disability of 15%. The employer was insured for workers' compensation liability by defendant Cypress Insurance Company at the time of the injury.

Applicant contends in her petition for reconsideration that the WCJ erred in not finding that applicant's injury caused greater permanent 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 June 13, 2024, the parties filed a Compromise and Release.

¹ Commissioners Marguerite Sweeney and Deidra E. Lowe, who signed the Opinion and Order Granting Petition for Reconsideration dated December 7, 2020, no longer serve on the Appeals Board. Accordingly, new panel members have been substituted in their place.

In order to expedite review and approval of the Compromise and Release, we will rescind the September 15, 2020 Findings, Award and Orders and return this matter to the trial level so that a WCJ can consider the Compromise and Release. The WCJ may conduct such further proceedings as he or she deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If a WCJ does not approve the Compromise and Release, he or she can issue an order reinstating the WCJ's 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of the Workers' Compensation Appeals Board that the Findings, Award and Orders issued on September 15, 2020, be **RESCINDED**.

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 24, 2024

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

**EMMA YOST
METZINGER AND ASSOCIATES
MULLEN & FILIPPI**

DH/ara

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