

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

JACOB CASTROLL (Deceased), RODY CASTROLL (Widow), *Applicant*

vs.

**COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT,
permissibly self-insured, *Defendant***

**Adjudication Number: ADJ11603234
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant filed a Petition for Reconsideration (Petition) of the Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) on May 15, 2024.

In that decision, the WCJ found that decedent did not sustain industrial injury arising out of and in the course of employment on August 11, 2017 resulting in his death. The WCJ further found that decedent's injury was proximately caused by his participation in a voluntary off-duty athletic activity and was barred by Labor Code section 3600(a)(9).

Applicant contends that the evidence demonstrates that decedent subjectively believed that his participation in off-duty exercise was expected by his employer, and that this belief was objectively reasonable as set forth in *Ezzy v. Workers' Comp. Appeals Bd.* (1983) 146 Cal.App.3d 252, 259 [48 Cal.Comp.Cases 611] (*Ezzy*) so that compensation is not barred by section 3600(a)(9).

We did not receive an answer from defendant.

We received a Report and Recommendation on Petition for Reconsideration (Report) from the WCJ, which recommends that the Petition be denied.

On August 2, 2024, we issued an interim non-final order granting the petition, and encouraged the parties to participate in the Appeals Board's voluntary mediation program.

Thereafter, the parties agreed to participate in the aforementioned mediation program to discuss the issues raised.

On December 16, 2024, the parties advised that a proposed settlement by Compromise and Release (C&R) had been reached, and requested return of the matter to the trial level for review of the proposed settlement.

In order to expedite review and approval of the parties' settlement agreement, we will rescind the May 15, 2024 Findings and Order, and return this matter to the WCJ to consider the C&R of the parties. The WCJ may conduct such further proceedings as is deemed 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 by joint agreement, without the need for further action by the Appeals Board.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order issued in this matter on May 15, 2024, be **RESCINDED**, and that this matter be **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as is deemed appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

December 19, 2024

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

**RODY CASTROLL
THE LAW OFFICES OF ROBERT OZERAN
THE LAW OFFICES OF SOBELSOHN & JOHNSON**

LAS/abs

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