

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

JUD FREITAS, *Applicant*

vs.

**PACIFIC GAS & ELECTRIC COMPANY,
permissibly self-insured and administered, *Defendant***

**Adjudication Numbers: ADJ11323598; ADJ11323615
Eureka District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Petitioner 4600 Boehm on behalf of lien claimant Anthem Blue Cross (Anthem), filed a Petition for Reconsideration (Petition) of the Joint Findings of Fact and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on August 29, 2023.

In that decision, the WCJ found that lien claimant was entitled to reimbursement of their lien in full for services relating to the applicant's industrial injuries, commencing from the period of February 21, 2017 and thereafter, along with a 15% increase and statutory interest.

Petitioner asserts that the WCJ erred by limiting Anthem's right to reimbursement to commence on February 21, 2017, and that as a health plan under Labor Code Section 4903.1, et seq., they are entitled, in cases involving a continuous trauma injury, to reimbursement for treatment paid prior to the filing of the application for adjudication.

Defendant filed a response requesting denial of the Petition.

The WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

On November 13, 2023, we issued an interim non-final order granting the petition, and further ordered that the matter be referred to a WCJ at the Appeals Board for a status conference.

Thereafter, the parties attended the aforementioned status conference to discuss the issues raised.

On May 21, 2024, in an effort to conserve WCAB resources, the parties filed a fully executed Stipulation to resolve the lien of Anthem Blue Cross for the sum of \$ 56,625.00 new

money as full and final satisfaction of their lien. The stipulation, signed on May 21, 2024, by attorney Sam Jinks for Anthem Blue Cross, and by attorney Jeffrey Whitelaw for defendant Pacific Gas & Electric Company, provides as follows:

Jurisdiction having been reserved on payment of lien claim of **Anthem Blue Cross Woodland Hills** in the amount of **\$143,939.93** the parties have stipulated to resolve said lien for the sum of **\$56,625.00 (new money)** in full satisfaction of all claims arising therefrom per the documentation served to date, in addition to any sums previously paid on the lien.

We conclude that the Stipulations filed by lien claimant and defendant should be approved.

Finally, we commend the parties for engaging in good faith negotiations and 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 Joint Findings of Fact and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on August 29, 2023, be **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulation of petitioner 4600 Boehm, and defendant Pacific Gas & Electric Company, executed on May 21, 2024, is **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 28, 2024

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

**4600 BOEHM
ANTHEM BLUE CROSS
WELLS LAW
COLEMAN CHAVEZ & ASSOCIATES**

LAS/abs

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