

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

VIJAY GUPTA, *Applicant*

vs.

**STATE COMPENSATION INSURANCE FUND, *Permissibly Self-Insured*;
*administered by THE HARTFORD, Defendant***

**Adjudication Number: ADJ8191880
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant Vijay Gupta petitions for reconsideration of the Amended Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on May 24, 2021. In that decision, the WCJ found that applicant, while employed during the period of January 1, 2006, through February 9, 2012, by defendant, State Compensation Insurance Fund, sustained injury arising out of and in the course of the employment to his psyche and lumbar spine and consisting of hypertension, coronary disease, sexual dysfunction and diabetes, resulting in need for medical treatment and permanent partial disability of 65%.

Applicant contends in his petition for reconsideration that the WCJ erred in not finding that applicant's injury caused greater permanent disability.

We granted reconsideration on December 15, 2021, to further study the factual and legal issues presented.¹

Subsequently, the parties participated in a commissioners' settlement conference at our request.

On September 20, 2024, the parties filed a Compromise and Release in this case and cases ADJ2901549 and ADJ4133094.

¹ Commissioner Marguerite Sweeney, who signed the Opinion and Order Granting Petition for Reconsideration dated December 15, 2021, is no longer on the WCAB. Accordingly, a new panel member has been substituted in her place.

In order to expedite review and approval of the Compromise and Release, we will rescind the May 24, 2021 Amended Findings and Award 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 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 Compromise and Release, he 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 Amended Findings and Award issued on May 24, 2021, be **RESCINDED**.

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 8, 2024

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

**VIJAY GUPTA
ROWEN, GURVEY & WIN
QUINTAIROS, PRIETO, WOOD & BOYER**

DH/ara

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