

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

**WALTER McKINNEY, *Applicant***

**vs.**

**CITY OF DESERT HOT SPRINGS, permissibly self-insured,  
administered by ADMINASURE, INC., *Defendants***

**Adjudication Number: ADJ12331852  
Santa Ana District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Applicant filed a petition for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on March 27, 2023. In that decision, the WCJ found that the applicant did not sustain injury arising out of and in the course of employment to [in the form of] coccidioidomycosis meningitis (aka Valley Fever), and ordered applicant to take nothing on his claim.

Applicant contends that the WCJ erred in finding applicant failed in his burden to prove injury and that the medical opinion of the applicant's treating physician supports a finding of industrial injury.

Defendant filed an answer to the petition.

The WCJ issued a report in which she recommended that the petition for reconsideration be denied. We granted reconsideration to further study the factual and legal issues presented.

Subsequently, the parties participated in a commissioners' settlement conference at our request and thereafter agreed to resolve this matter by Compromise and Release as to all issues.

Since the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, § 10961), in order to permit review by the workers' compensation administrative law judge (WCJ) of the proposed settlement, we will rescind the March 27, 2023 Findings and Order from which reconsideration is sought and return this matter

to the WCJ to consider the Compromise and Release. 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, she can issue an order reinstating her 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 for further litigation.

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of the Workers' Compensation Appeals Board that the Findings and Order issued in this matter on March 27, 2023, be **RESCINDED**, and that this matter is **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further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/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**May 31, 2024**

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

**WALTER McKINNEY  
LEWIS, MARENSTEIN, WICKE, SHERWIN & LEE  
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

**LAS/abs**

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