

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

FRANKIE SARMIENTO, *Applicant*

vs.

**CAST AND CREW PAYROLL, INC.;
PRODUCTION PROCESSING and CALIFORNIA INSURANCE GUARANTEE
ASSOCIATION by its servicing facility INTERCARE
HOLDINGS INSURANCE SERVICES for LEGION INSURANCE COMPANY,
in liquidation, *Defendants***

**Adjudication Number: ADJ8923383
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant X-Ray Productions petitions for reconsideration of the March 5, 2024 Findings and Order wherein the workers' compensation administrative law judge (WCJ) found that applicant, while employed during the period of November 22, 1998 through January 1, 2000 did not sustain industrial injury as a result of cumulative trauma. Petitioner contends that the WCJ erred in failing to find a cumulative trauma. Petitioner argues that the evidence presented pursuant to Labor Code sections 5500.5 and 5412 establish a cumulative trauma with an end date of either December 5, 1998 or November 22, 1998. Petitioner also argues that the WCJ denied defendant due process by denying defendant the right to examine witnesses at trial and conduct discovery. Finally, petitioner contends that there is new evidence which should be considered by the WCJ.

We granted reconsideration to further study the factual and legal issues presented.

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

On May 5, 2025, the parties filed an executed Compromise and Release in this case and case ADJ464812.

In order to expedite review and approval of the Compromise and Release, we will rescind the March 5, 2024 Findings and Order and return this matter to the WCJ to consider the

Compromise and Release. The WCJ may conduct such further proceedings as they deem 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, they 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 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Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order issued on March 5, 2024, be **RESCINDED**.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/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 15, 2025

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

**FRANKIE SARMIENTO
LEYVA & NIGHT
NEWHOUSE & CREAGER
LAW OFFICES OF ANDERSON & CHANG
MULLEN & FILIPPI**

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