

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

**RIGOBERTO CERVANTES, *Applicant***

**vs.**

**TOYOTA MOTORS NORTH AMERICA;  
TOKIO MARINE INSURANCE, administered by SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ17050134  
Marina del Rey District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Applicant timely petitioned for reconsideration of the Findings and Order issued by the workers' compensation administrative law judge (WCJ) on February 14, 2025. The WCJ found that applicant failed to prove that defendant violated Labor Code section 132a and that the issues of affirmative defenses and attorney fees are moot. Based on these findings, the WCJ ordered that applicant take nothing by way of his Petition for Increased Benefits for Discrimination under Labor Code section 132a. We granted reconsideration to study the factual and legal issues in this matter.

Following their participation at a commissioners' settlement conference set at our request, the parties settled the Labor Code 132a issues raised in applicant's petition by compromise and release filed on August 18, 2025.

In order to expedite review and approval of the compromise and release, we will rescind the February 14, 2025 Findings and Order, and remand this matter to the WCJ to consider the compromise and release and proposed order. 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 petitions for reconsideration. If the WCJ does not approve the compromise and release, they may issue an order reinstating their decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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of the Workers' Compensation Appeals Board that the Findings and Order issued on February 14, 2025, be **RESCINDED**.

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

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



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

**August 26, 2025**

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

**RIGOBERTO CERVANTES  
OZUROVICH, SCHWARTZ & BROWN, APC  
PRINDLE, GOETZ, BARNES & REINHOLTZ LLP  
EMPLOYMENT DEVELOPMENT DEPARTMENT**

**RN/ara**

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