

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

**THOMAS MATHENY, *Applicant***

**vs.**

**COUNTY OF ALAMEDA, permissibly self-insured adjusted by  
SEDGWICK CLAIMS MANAGEMENT SERVICES, *Defendants***

**Adjudication Number: ADJ13021634  
Oakland District Office**

**OPINION AND DECISION AFTER  
RECONSIDERATION**

Applicant petitions for reconsideration of the Findings, Order and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on May 23, 2022. In that decision, the WCJ found that applicant sustained injury to his low back and left hand and wrist arising out of and in the course of his employment as a deputy sheriff by defendant, County of Alameda, during a cumulative period ending July 22, 2019, resulting in need for further medical treatment and temporary disability from February 4, 2021, to November 9, 2021. The WCJ also found that applicant is not entitled to additional full salary under Labor Code section 4850.

Defendant contends in his petition for reconsideration that the WCJ erred in (1) not finding that applicant sustained a cumulative injury to his back and wrists arising out of and in the course of his employment by defendant during a cumulative period ending July 22, 2019, (2) not finding that applicant is entitled full salary under Labor Code section 4850 beginning February 4, 2021, and continuing until applicant is determined to have reached maximum medical improvement, and (3) not finding that defendant is not entitled to credit for benefits paid in a separate workers' compensation claim for injury to the right knee.

We granted reconsideration to further study the factual and legal issues presented.<sup>1</sup>

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<sup>1</sup> Commissioner Marguerite Sweeney, who signed the Opinion and Order Granting Petition for Reconsideration dated August 15, 2022, no longer serves at the WCAB. Accordingly, a new panel member has been substituted in her place.

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

On June 22, 2025, the parties filed a Compromise and Release in this case (ADJ13021634) and cases ADJ10168167, ADJ13540949, ADJ9714105 and ADJ9144489 and a Stipulations With Request for Award in case ADJ16579221.

In order to expedite review and approval of the Compromise and Release and Stipulations With Request for Award, we will rescind the May 23, 2022 Findings, Order and Award and return this matter to the trial level so that a WCJ can consider the Compromise and Release and the Stipulations With Request for Award. The WCJ who is assigned 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 the 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, Order and Award issued on May 23, 2022, be **RESCINDED**.

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER**

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



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

**June 24, 2025**

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

**THOMAS MATHENY  
MASTAGNI HOLSTEDT  
LAUGHLIN, FALBO, LEVY & MORESI**

**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*