

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

WARREN P. HARVEY, *Applicant*

vs.

**SOCAL MACHINE, INC., insured by TRUCK INSURANCE EXCHANGE, administered
by FARMERS INSURANCE, *Defendants***

**Adjudication Number: ADJ17547374
San Diego District Office**

OPINION AND AWARD

Applicant petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on October 23, 2024. In that decision, the WCJ found that the equitable hourly reimbursement rates for in-home health care (HHC) to the applicant for his spouse's services are \$17.53 when the wife is performing regular caregiver duties such as laundry, meal preparation, changing sheets, and assisting applicant in dressing and bathing, and \$53.55 when the wife is performing duties equivalent to nursing such as medication dispensing, bandage changing or wound care, assisting with therapy, catheterization, and the bowel program. The WCJ awarded applicant's attorney a fee of 12% from the retroactive benefits received for the period February 4, 2024, to the date of the Award.

Applicant contends in his petition for reconsideration that the WCJ erred in failing to find a simple reimbursement rate for all HHC services, and by calculating the rate based upon hourly pay of HHC employees instead of the cost of equivalent services from a HHC provider in the community. Applicant also contends that the WCJ erred by limiting any future increase in HHC reimbursement rate, and by failing to award a reasonable attorneys' fee.

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

Subsequently, the parties participated in a commissioners' settlement conference at our request but were unable to settle the issues raised in applicant's petition for reconsideration.

On September 15, 2025, the parties filed Stipulations With Request for Award by which the parties agreed that applicant is permanently totally disabled and requires further medical treatment to cure or relieve from the effects of the injury. The Stipulations specify, however, that they are not intended to resolve the issues raised in applicant's petition for reconsideration. Thus, those issues remain pending before us.

We conclude that the Stipulations are adequate and in applicant's best interest. We also conclude that the attorneys' fee requested in Paragraph 6 is reasonable and should be allowed. Therefore, we will approve the Stipulations and issue an Award based on those Stipulations. The attorneys' fee commutation is based on the commutation calculated by the Disability Evaluation Unit dated September 17, 2025, which we adopt and incorporate herein and attach to the Opinion.

Finally, we commend the parties for successfully resolving an important issue in this matter without the need of further litigation. We urge the parties to continue their efforts to resolve the remaining issues in dispute in this matter.

For the foregoing reasons,

IT IS ORDERED that the Stipulations With Request for Award filed September 15, 2025, be **APPROVED**.

AWARD IS MADE in favor of WARREN P. HARVEY against TRUCK INSURANCE EXCHANGE as follows:

- (A) Temporary disability indemnity in accordance with Paragraphs 2 and 2(a) above,**
- (B) Permanent total disability indemnity in accordance with Paragraph 3 above, payable from November 1, 2024, to September 25, 2025, at the weekly rate of \$1,539.71, and thereafter payable at the weekly rate of \$ 1,266.85, subject to increases required under Labor Code section 4659, less the sum of \$135,000, payable to applicant's attorney as the reasonable value of services rendered, to be commuted in accordance with Paragraph 6 above,**
- (C) Liens in accordance with Paragraph 7 above,**
- (D) Further medical treatment in accordance with Paragraph 4 above,**
- (E) Reimbursement for medical-legal expenses in accordance with Paragraph 5 above, and**
- (F) Stipulations in Paragraph 8 and 9 are approved, including the attorneys' fee request of \$3,255.**

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA
OCTOBER 16, 2025**

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

**WARREN P. HARVEY
LAW OFFICE OF MIKE HERRIN
LAW OFFICES OF SCOTT C. STRATMAN**

DH/ara

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