

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

DAVID MOSS, *Applicant*

vs.

**UNITED CONTINENTAL HOLDINGS, INC.,
doing business as UNITED AIRLINES,
permissibly self-insured, administered by
SEDGWICK CLAIMS MANAGEMENT SERVICES,
*Defendants***

**Adjudication Number: ADJ14478876
San Francisco District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant seeks reconsideration of the Findings of Fact, Award and Order (Findings), wherein the workers' compensation administrative law judge (WCJ) found that applicant, while employed by defendant during the period ending October 16, 2020, sustained injury arising out of and in the course of employment (AOE/COE) to the back and hips, and that defendant timely conducted utilization review (UR). The WCJ further found there is a need for further medical treatment to cure or relieve the effects of the industrial injury, specifically the continuing services of home healthcare for 8 – 10 hours a day, from March 14, 2024 through the present and continuing, consistent with the reasoning in the significant panel decision in *Patterson v. The Oaks Farm*, and that defendant has not met its burden to show that there is a change of circumstances such that the home healthcare services are no longer reasonably required. Accordingly, the WCJ awarded applicant further medical treatment in the form of such home healthcare, which is to continue until there is a change of circumstances showing that the services are no longer reasonably required to cure or relieve the effects of the industrial injury, and ordered further development on the issue of reimbursement of home health care services for the periods of March 14, 2024 through July 24, 2024, and August 9, 2024 through the present.

Defendant contends that the WCJ erred in reliance upon the *Patterson* case to find applicant's continued entitlement to home healthcare services, as applicant's case is distinguishable since that case specifically involved nurse care management services and was not intended to be applied broadly to other forms of medical treatment. Defendant further asserts that there is evidence of significant changes in the applicant's circumstances or condition since the original UR dated February 1, 2024, which certified caregiver services.

We received an Answer from applicant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

On March 10, 2025, we issued an interim non-final order granting the petition. Thereafter, we scheduled a status conference for the parties to be held with a designated hearing officer at the Appeals Board.

Subsequently, the parties attended the aforementioned status conference to discuss the issues raised. On January 21, 2026, the parties filed a joint Stipulation that in exchange for applicant's agreement to have the December 11, 2024 decision of the WCJ rescinded, defendant will withdraw the Petition for Reconsideration of the decision, in order that the matter be returned to the trial level for further discovery on all issues.

In accordance with the joint stipulation of the parties, and as our Opinion and Decision after Reconsideration, we will rescind the Findings of Fact, Award, and Order of the workers' compensation administrative law judge dated December 11, 2024, and return this matter to the district office for further proceedings consistent with the parties' stipulation.

Finally, we commend the parties for successfully resolving this matter by joint agreement, without the need for further action by the Appeals Board.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulation of applicant and defendant to return this matter back to the trial level, executed and filed on January 21, 2026 is **APPROVED**.

IT IS FURTHER ORDERED that the Findings of Fact, Award and Order of the workers' compensation administrative law judge is **RESCINDED**, and the matter is **RETURNED** to the district office for further proceedings consistent with the stipulation of the parties.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JANUARY 27, 2026

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

**DAVID MOSS
GIMBEL LAW FIRM PC
CHAVEZ & BREault**

CWF/cs

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