WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

DEBBIE MARKS, *Applicant*

vs.

VERIZON COMMUNICATIONS; NATIONAL UNION FIRE INSURANCE COMPANY, administered by SEDGWICK CLAIMS MANAGEMENT SERVICES, INC., *Defendants*

Adjudication Number: ADJ7705066
Oxnard District Office

OPINION AND DECISION AFTER RECONSIDERATION

Lien claimants Comprehensive Outpatient Surgery Center (COSC) and Marina Russman, M.D., petitioned for reconsideration of the Findings of Fact and Orders issued by the workers' compensation administrative law judge (WCJ) on May 29, 2024. In that decision, the WCJ found that lien claimant COSC's date of service of August 4, 2011 was paid in full on a timely basis, and that the medical treatment services provided by COSC on March 23, 2011 were reasonably required to cure or relieve from the effects of the industrial injury, but that the remainder of lien claimant's unpaid dates of service were not reasonably required. Lien claimant was awarded the sum of $3,646.29 less credit for sums previously paid, plus penalties and interest.

The WCJ further found that lien claimant Marina Russman, M.D., did not provide medical treatment services which were reasonably required to cure or relieve applicant from the effects of the industrial injury, and such services were ordered disallowed.

Finally, the WCJ found that defendant engaged in bad faith by failing to pay or object to the services of COSC's services of March 23, 2011, and ordered that defendant Sedgwick Claims Management Services pay sanctions of $500.00 to the appeals board and reasonable costs to lien claimant COSC, in a sum to be adjusted by the parties.

Petitioner COSC contends that the WCJ erred in failing to properly award payment to COSC for services performed on September 8, 2011 and September 29, 2011. Petitioner Russman contends that the WCJ erred in disallowing its lien and in finding that the medical treatment

services performed by Dr. Russman were not reasonably required to cure or relieve from the effects of the industrial injury.

Defendant did not file an Answer to the Petition.

The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending denial of the Petition.

On August 9, 2024 we issued an interim non-final order granting the petition and encouraged the parties to participate in the Appeals Board's voluntary mediation program.

Thereafter, the parties participated in the Appeals Board's voluntary mediation program and were able to resolve both liens by written agreements dated August 26, 2026 in full and final satisfaction thereof, including all claims for penalties and interest, thereby making the issues raised in lien claimants' Petition for Reconsideration moot.

As the parties have resolved the issues raised in lien claimants' Petition for Reconsideration, we will rescind the May 29, 2024 Findings of Fact and Orders from which reconsideration is sought and return this matter to the trial level.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration.

Finally, we commend the parties for successfully resolving this matter without the need for further litigation.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings of Fact and Orders issued in this matter on May 29, 2024 is **RESCINDED**, and that this matter is **RETURNED** to the district office for such further proceedings as may be deemed appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,



/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 29, 2026

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

COMPREHENSIVE OUTPATIENT SURGERY CENTER
MARINA RUSSMAN, M.D.
ZA MANAGEMENT
SEDGWICK LIEN RESOLUTION

PS/oo

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