

WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

KEITH HERNANDEZ (Deceased), *Applicant*

vs.

FRESNO COUNTY FIRE PROTECTION DISTRICT; CAL FIRE / DEPARTMENT OF FORESTRY; KINGS COUNTY FIRE DEPARTMENT aka COUNTY OF KINGS, permissibly self-insured, administered by INNOVATIVE CLAIM SOLUTIONS,
Defendants

Adjudication Number: ADJ13081167
Fresno District Office

OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION

Defendant, Kings County Fire Department, also known as County of Kings, seeks reconsideration of the Findings and Award (F&A) issued on October 22, 2025, wherein the workers' compensation administrative law judge (WCJ) found, in relevant part, that while employed by the Fresno County Fire Protection District on April 7, 2008; Cal Fire/Department of Forestry during the period from June 29, 2010 to October 28, 2012; and Kings County Fire Department/County of Kings during the period from June 25, 2013 to December 5, 2017, decedent, Keith Hernandez, sustained injury arising out of and in the course of employment (AOE/COE) to his body systems, leading to cancer and death. The WCJ further held, in pertinent part, that the date of injury pursuant to Labor Code¹ section 5412 is December 5, 2017; liability pursuant to section 5500.5 is deferred, with jurisdiction reserved; presumed total dependents, Crystal, Henley, and Harper Hernandez, are collectively entitled to a \$320,000 death benefit; decedent's widow, Crystal Hernandez, is entitled to \$10,000.00 in burial expenses; and the reasonable value of the services of applicant's attorney is 10% of the death benefits, burial expenses, and section 4703.5 benefits.

¹ All further statutory references will be to the Labor Code unless otherwise indicated.

Defendant contends that the decedent's cancer injury fell under the presumptions outlined under section 3212.1 and the date of injury should therefore be determined under section 5500.5 rather than 5412, which would provide an injury date of December 31, 2012 pursuant to the opinions of Independent Medical Examiner (IME), Charles Wiseman, M.D. (Petition for Reconsideration (Petition), p. 4.) Defendant also asserts that the WCJ's award of burial expenses was issued in error given that 1) reasonable burial expenses in the amount of \$7,226.07 was already paid by defendant, and 2) the issue was not previously raised at trial. (*Id.* at pp. 3, 6.)

We have received an Answer from applicant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be granted solely on the issue of burial expenses.

We have considered the Petition, the Answer, and the contents of the Report, and we have reviewed the record in this matter. For the reasons discussed below, we will grant the Petition, rescind the F&A, and substitute it with new Findings of Fact which corrects the period of employment and injury date for Fresno County Fire Protection District to reflect the stipulated dates of employment of April 7, 2008 to March 22, 2009; finds that decedent's section 5412 date of injury is December 5, 2017 (as originally found by the WCJ); and defers all other issues.

FACTS

Decedent, Keith Hernandez, was employed as a firefighter by the Fresno County Fire Protection District during the period from April 7, 2008 to March 22, 2009; Cal Fire/Department of Forestry during the period from June 29, 2010 to October 28, 2012; and Kings County Fire Department/County of Kings during the period from June 25, 2013 to December 5, 2017. At some point during decedent's employment with the above entities, he developed cancer and Kings County Fire Department/County of Kings was notified.

The parties proceeded with discovery, and Dr. Wiseman was retained as an IME in the matter and evaluated decedent on November 2, 2018, with a corresponding report issuing thereafter. (Exhibit B.) Thereafter, decedent passed away on February 23, 2019.

Upon decedent's passing, his widow, Crystal Hernandez, filed an Application for Adjudication of Claim against Kings County alleging a December 6, 2017 injury to multiple body systems.

Dr. Wiseman then issued two supplemental reports, dated October 22, 2022, and December 27, 2023. (Exhibits C, D.) Dr. Wiseman was also deposed by the parties on April 18, 2023, and October 11, 2024. (Exhibits E, F.)

In his report of November 2, 2018, Dr. Wiseman opined that the decedent sustained injury AOE/COE due to his employment with an initial diagnosis date of December 5, 2017, per his review of the medical records. (Exhibit B, pp. 31-32.)

In a supplemental report dated October 22, 2022, Dr. Wiseman opined that the cancer “could have first developed during any of [a]pplicant’s employment intervals.” (Exhibit C, p. 2.) He reiterated this during his April 18, 2023, and October 11, 2024, depositions. (Exhibit E, pp. 18:21-19:4; Exhibit F, p. 8:2-3.)

Thereafter, defendant filed a Declaration of Readiness to Proceed to a status conference. The matter proceeded to a hearing and was ultimately set for trial on September 9, 2025.

At trial, the only issues set for determination were the section 5412 injury date and attorney’s fees. The parties stipulated to injury AOE/COE; the date of death; dates of employment; date of marriage; and the birth dates of the decedent’s two minor dependents.

On October 22, 2025, the WCJ issued a F&A wherein he held, in relevant part, that while employed by the Fresno County Fire Protection District on April 7, 2008; Cal Fire/Department of Forestry during the period from June 29, 2010 to October 28, 2012; and Kings County Fire Department/County of Kings during the period from June 25, 2013 to December 5, 2017, decedent, Keith Hernandez, sustained injury AOE/COE to his body systems, leading to cancer and death. The WCJ further held that the injury date pursuant to section 5412 is December 5, 2017, and that liability pursuant to section 5500.5 is deferred, with jurisdiction reserved. The WCJ also awarded \$320,000 in dependency benefits, \$10,000 in burial expenses, and applicable attorney fees.

It is from this F&A that defendant now seeks reconsideration.

DISCUSSION

I.

Preliminarily, former section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

- (a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.
- (b)
 - (1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.
 - (2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected under the Events tab in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on November 17, 2025, and 60 days from the date of transmission is January 16, 2026. This decision was issued by or on January 16, 2026, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall constitute notice of transmission.

Here, according to the proof of service for the Report, it was served on November 17, 2025, and the case was transmitted to the Appeals Board on November 17, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that service of the Report provided accurate notice of transmission under Labor Code section 5909(b)(2) because service of the Report provided actual notice to the parties as to the commencement of the 60-day period on November 17, 2025.

II.

Turning now to the merits of the Petition, defendant contends that because the injury fell under the presumptions outlined in section 3212.1, the date of injury should therefore be determined under section 5500.5 rather than section 5412. (Petition, p. 4.)

“Date of injury” is defined in the Labor Code as follows, pursuant to sections 3208.1, 5411, and 5412:

Section 3208.1:

An injury may be either: (a) “specific,” occurring as the result of one incident or exposure which causes disability or need for medical treatment; or (b) “cumulative,” occurring as repetitive mentally or physically traumatic activities extending over a period of time, the combined effect of which causes any disability or need for medical treatment. The date of a cumulative injury shall be the date determined under Section 5412.

Section 5411:

The date of injury, except in cases of occupational disease or cumulative injury, is that date during the employment on which occurred the alleged incident or exposure, for the consequences of which compensation is claimed.

Section 5412:

The date of injury in cases of occupational diseases or cumulative injuries is that date upon which the employee first suffered disability therefrom and either knew, or in the exercise of reasonable diligence should have known, that such disability was caused by his present or prior employment.

Section 3212.1 pertains to cancer presumptions and states, in relevant part, that in the case of firefighters who are “exposed, while in the service of the department or unit, to a known carcinogen[,]” any cancer subsequently developing or manifesting “shall be presumed to arise out of and in the course of employment.” (Lab. Code, § 3212.1.)

In the instant matter, the parties stipulated at trial that the decedent sustained injury AOE/COE to his body systems leading to cancer and ultimately death while working as a firefighter in service of several fire departments. (Minutes of Hearing (MOH), September 9, 2025, p. 2.) Given this stipulation, the presumption afforded under section 3212.1 applies herein.

To be clear, application of a presumption under section 3212.1 does not render section 5412 obsolete; they are two separate concepts. Section 3212.1 provides a presumption to the

employment period during which an applicant's cancer developed *and* manifested. Consequently, it may be applied to multiple periods of employment and/or employers.

“The number and nature of the injuries suffered are questions of fact for the WCJ or the WCAB.” (*Western Growers Ins. Co. v. Workers' Comp. Appeals Bd. (Austin)* (1993) 16 Cal.App.4th 227, 234 [58 Cal.Comp.Cases 323].) The date of injury for a cumulative injury for purposes of the statute of limitations² and “the date for the measurement of compensation payable, and all other incidents of the [worker's] right” is determined under section 5412 which requires the *concurrence* of compensable disability *and* employee knowledge that the disability is caused by employment. (*Chevron U.S.A. v. Workers' Comp. Appeals Bd. (Steele)* (1990) 219 Cal.App.3d 1265, 1270-1271 citing *Argonaut Mining Co. v. Industrial Acci. Com.* (1951) 104 Cal.App.2d 27, 31; Lab. Code, § 5412; see Lab. Code, § 3208.1, subd. (b), *City of Fresno v. Workers' Comp. Appeals Bd. (Johnson)* (1985) 163 Cal.App.3d 467.) It is important to clarify that although the period of liability for cumulative injury claims is limited to the last year of injurious exposure, the actual date of injury under section 5412 may differ from an applicant's last date of work. “Pursuant to section 5412, the date of a cumulative injury is the date the employee *first* suffers a ‘disability’ and has reason to know the disability is work related.” (*Western Growers Ins. Co. v. Workers' Comp. Appeals Bd. (Austin)* (1993) 16 Cal.App.4th 227, 238 (emphasis in original) [58 Cal.Comp.Cases 323].)

Further, according to the case of *City of Fresno v. Workers' Comp. Appeals Bd. (Johnson)* (1985) 163 Cal.App.3d 467, 471 [50 Cal.Comp.Cases 53], “[w]hether an employee knew or should have known his disability was industrially caused is a question of fact.” The employer has the burden of proving that the employee knew or should have known their disability was industrially caused. (*Johnson, supra*, at p. 471, citing *Chambers v. Workmen's Comp. Appeals Bd.* (1968) 69 Cal.2d 556, 559 [33 Cal.Comp.Cases 722].) “The medical cause of an ailment is usually a scientific question, requiring a judgment based upon scientific knowledge and inaccessible to the unguided rudimentary capacities of lay arbiters.” (*Peter Kiewit Sons v. Industrial Acc. Com. (McLaughlin)* (1965) 234 Cal.App.2d 831, 839 [30 Cal.Comp.Cases 188].) “Thus, the determination of knowledge is an inherently fact-based inquiry, requiring an individualized analysis in each case.” (*Raya v. County of Riverside* (2024) 89 Cal.Comp.Cases 993, 1006.)

² The issue of section 5412 also may arise in the context of the statute of limitations. Here, defendant does not raise that issue upon reconsideration, and we need not consider it. (See Lab. Code, § 5904.)

In contrast to the issue of whether multiple periods of employment may have caused decedent's injury, as implicated by sections 3212.1 and 5500.5 discussed above, if there is one cumulative injury, as was stipulated here, then there can be only one section 5412 date of injury. In his November 2, 2018 report, Dr. Wiseman confirmed that December 5, 2017 was the first date upon which a diagnosis of industrially related cancer was reported and known to decedent. (Exhibit B, p. 31.) Accordingly, the WCJ found December 5, 2017 to be the date of injury for section 5412 purposes. Defendant provides no relevant evidence to contradict this finding, and we find no basis upon which to disturb it. As such, we agree with the WCJ's finding of December 5, 2017 as the date of injury under section 5412.

Turning next to the issue of liability, section 5500.5 states, in relevant part, that:

... liability for occupational disease or cumulative injury claims filed or asserted on or after January 1, 1978, shall be limited to those employers who employed the employee during a period . . . [one year] immediately preceding either the date of injury, as determined pursuant to Section 5412, or the last date on which the employee was employed in an occupation exposing him or her to the hazards of the occupational disease or cumulative injury, *whichever occurs first*.

(Lab. Code, § 5500.5(a), emphasis added.)

Subdivision (a) of section 5500.5 speaks to the issue of determining liability for a cumulative injury, and section 5412 speaks to a specific injury date which may or may not be the same date as the end date of industrial exposure and liability established under section 5500.5. That is, where there is a cumulative injury, we commonly consider the period when applicant was exposed to the hazard in determining cause of injury and the number of injuries as explained in *Austin, supra*, but in the context herein, the date of injury as defined in section 5412 may set the date for the liability period. All of this is to say that sections 5412 and 5500.5 are not mutually exclusive. Where a cumulative injury (or injuries) implicates multiple employers, the analysis required by the two statutes is related but distinct. That is, a portion of the analysis required for a determination of liability under section 5500.5(a) also requires an analysis of the injury date under section 5412. (See *County of Riverside v. Workers' Comp. Appeals Bd. (Sylves)* (2017) 10 Cal.App.5th 119 [82 Cal.Comp.Cases 301].)

As expressed by Dr. Wiseman on numerous occasions, decedent's cancer "could have first developed during any of Applicant's employment intervals[.]" (Exhibit C, p. 2.; Exhibit E, pp. 18:21-19:4; Exhibit F, p. 8:2-3.) Accordingly, any of the listed employers could have been found

liable under section 5500.5 for decedent's cancer, and applicant may elect against any one of them. The elected defendant may then seek contribution for awarded benefits from the other defendants by filing a petition for contribution within one year of an award. (Lab. Code, §5500.5(e); See *Schrimpf v. Consolidated Film Industries, Inc.* (1977) 42 Cal.Comp.Cases 602 [en banc].) This procedure is intended to promote a prompt determination of an injured worker's entitlement to workers' compensation benefits. (*Rex Club v. Workers' Comp. Appeals Bd. (Oakley-Clyburn)* (1997) 53 Cal.App.4th 1465 [62 Cal.Comp.Cases 441].) This means that, once an applicant's right to benefits is determined in the case in chief, reimbursement and contribution rights of insurers and employers must be decided in independent supplemental proceedings between themselves. (*General Accident Ins. Co. v. Workers' Comp. Appeals Bd.* (1996) 47 Cal.App.4th 1141 [61 Cal.Comp.Cases 648].) We remind the parties that a decision or settlement in the case-in-chief between the applicant and the elected against insurer is not res judicata, and issues of liability among the defendants are decided de novo. (*Greenwald v. Carey Dist. Co. (Greenwald)* (1981) 46 Cal.Comp.Cases 703 (Appeals Bd. en banc).) Here, a formal election was not made, but Kings County Fire Department/County of Kings appears to be the de facto "elected" defendant.

III.

Lastly, defendant asserts that the WCJ's award of burial expenses was erroneous given that defendant had already issued payment for reasonable burial expenses and the issue was not raised at trial. (Petition, pp. 3, 6.) Section 4701(a) specifies that for injuries occurring on or after January 1, 2013 causing death, the employer shall be liable for "[r]easonable expenses of the employee's burial...[u]p to ten thousand dollars (\$10,000)." (Lab. Code, § 4701(a).)

As explained in *Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc), a decision "must be based on admitted evidence in the record" (*Id.* at p. 478) and must be supported by substantial evidence. (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workers' Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ's decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10787.) As required by section 5313 and explained in *Hamilton*, "the WCJ is charged with the responsibility of referring to the evidence in the opinion on decision,

and of clearly designating the evidence that forms the basis of the decision.” (*Id.* at p. 475.) This “enables the parties, and the Board[,] if reconsideration is sought, to ascertain the basis for the decision, and makes the right of seeking reconsideration more meaningful.” (*Id.* at p. 476, citing *Evans v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350, 351].)

Further, all parties to a workers’ compensation proceeding retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers’ Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) “Due process requires notice and a meaningful opportunity to present evidence in regards to the issues.” (*Rea v. Workers’ Comp. Appeals Bd.* (2005) 127 Cal.App.4th 625, 643 [70 Cal.Comp.Cases 312]; see also *Fortich v. Workers’ Comp. Appeals Bd.* (1991) 233 Cal.App.3d 1449, 1452-1454 [56 Cal.Comp.Cases 537].) A fair hearing includes, but is not limited to, the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (See *Gangwish v. Workers’ Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker, supra*, at pp. 157-158 citing *Kaiser Co. v. Industrial Acci. Com. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers’ Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].)

In the case at hand, a review of the Pretrial Conference Statement and the Minutes of Hearing and Summary of Evidence from the September 9, 2025 trial confirm that the issue of burial expenses was not previously raised by the parties. Further, defendant alleges that on March 18, 2019, decedent’s widow received \$7,226.07 in reasonable burial expenses. (Petition, p. 6.) We note that although defendant alleges payment of burial expenses, the evidentiary record does not contain any evidence of said payments, presumably because the issue was not previously raised. (See Lab. Code § 4909 [voluntary payment of benefits not an admission of liability].) As such, there is no proof, one way or another, to either support or deny burial benefits. The WCJ’s award of burial expenses is therefore premature.

Additionally, findings as to dependency and benefits owed are also premature as those issues were similarly not raised for determination at trial. Consequently, any findings as to attorney’s fees are premature as they are awarded as a lien against compensation. (See Lab. Code, § 4903.)

Lastly, we note that while the parties may stipulate to the facts in controversy, the WCJ is not bound by the parties' stipulations and may make further inquiry into the matter "to enable it to determine the matter in controversy." (Lab. Code, § 5702; see also *County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114, 1119 [65 Cal.Comp.Cases 1]; *Turner Gas Co. v. Workers' Comp. Appeals Bd. (Kinney)* (1975) 47 Cal.App.3d 286 [40 Cal.Comp.Cases 253].) Moreover, the WCJ's findings must be supported by substantial evidence and the WCJ should not accept stipulations that conflict with the record or are legally incorrect.

As explained above, we will omit the findings that go beyond the issues raised in the Minutes of Hearing from September 9, 2025. However, we find it important to note that at the time of trial, and as contained in the Minutes of Hearing, the parties stipulated, and the WCJ found, that applicant sustained a specific injury on April 8, 2008, while employed by Fresno County Fire Protection District. This conflicts with another stipulation (and finding) which indicates that applicant was employed by Fresno County Fire Protection District during the period from April 7, 2008, to March 22, 2009. As discussed above, in his supplemental report dated October 22, 2022, Dr. Wiseman opined that the cancer "could have first developed during any of [a]pplicant's employment intervals." (Exhibit C, p. 2.) By stipulating to decedent's period of employment, it appears that the parties' intention was to reflect a cumulative, rather than specific, injury. Moreover, the nature of applicant's occupational illness necessarily requires a finding of a cumulative injury. Thus, the proper injury date for Fresno County Fire Protection District is the employment period of April 7, 2008 to March 22, 2009.

In light of the foregoing, we grant defendant's Petition, rescind the F&A, and substitute it with a new Findings of Fact which corrects the period of employment and injury date for Fresno County Fire Protection District to reflect the stipulated dates of employment of April 7, 2008 to March 22, 2009, holds that decedent's section 5412 date of injury is December 5, 2017 (as found by the WCJ), and defers all other issues.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Reconsideration of the October 22, 2025 Findings and Award, is **GRANTED**.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the October 22, 2025 Findings and Award is **RESCINDED** and the following **SUBSTITUTED** therefor:

FINDINGS OF FACT

1. Keith Hernandez, while employed as a firefighter, occupational group number 490 at various locations in California from April 7, 2008 to March 22, 2009 with Fresno County Fire Protection District; from June 28, 2010 to October 28, 2012 with Cal Fire/Department of Forestry; and from June 25, 2013 to December 5, 2017 with Kings County Fire Department/County of Kings, sustained injury arising out of and in the course of employment to body systems/cancer/death.
2. At the time of death Fresno County Fire Protection District was permissibly self-insured, Cal Fire/Department of Forestry was legally uninsured, and Kings County Fire Department/County of Kings was permissibly self-insured.
3. At the time of his death, the employee's earnings were \$1889.00 per week, warranting an indemnity rate of \$1215.27.
4. The employer has paid compensation as follows: death benefits, at a weekly rate of \$1215.27, from February 23, 2019, to February 12, 2021, and at a weekly rate of \$1259.33, from February 12, 2021, and ongoing.
5. Decedent was married to Crystal De La Cruz on April 13, 2013, and remained married at the time of his death. Decedent's son, Harper Hernandez, was born on January 19, 2018, and decedent's daughter, Henley Hernandez, was born on December 5, 2014.

6. Decedent passed away on February 23, 2019.
7. The employee's date of injury pursuant to Labor Code section 5412 is December 5, 2017.
8. All other issues are deferred.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JANUARY 16, 2026

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

**ESTATE OF KEITH HERNANDEZ/CRYSTAL HERNANDEZ, HARPER HERNANDEZ, AND HENLEY HERNANDEZ
MITCHELL & POWELL A P.L.C.
DUNCAN CASSIO LUCCHESI BINKLEY & VAN DOREN
LAUGHLIN FALBO LEVY & MORESI
STATE COMPENSATION INSURANCE FUND**

RL/cs

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