WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

PATRICIA DELPH, *Applicant*

vs.

SCRIPPS HEALTH;
permissibly self-insured, administered by SEDGWICK RIVERSIDE; PALOMAR HEALTH, permissibly self-insured, administered by ATHENS ADMINISTRATORS ORANGE, Defendants

Adjudication Numbers: ADJ10362589; ADJ12575343; ADJ12575772; ADJ12561678
San Diego District Office

OPINION AND DECISION AFTER RECONSIDERATION

Defendant Scripps Health petitioned for reconsideration of the December 3, 2024 Findings and Order issued by a workers' compensation arbitrator (WCA). Therein, the WCA found that applicant's cumulative trauma of September 20, 2016 to constitute 40% of her disability and that Scripps Health and Palomar Health would each be liable pursuant to applicant's work exposure at each place of employment; that applicant's specific injury of January 13, 2015 was responsible for 60% of applicant's impairment and treatment from January 13, 2015 and ongoing; and as a result, the WCA apportioned 60% of responsibility of applicant's injuries to the specific injury and 40% to the 2016 injury and further declined to find any other cumulative trauma injury as alleged.

Petitioner contends that the WCA's decision is not based on substantial medical evidence.

Defendant Palomar Health filed an Answer. The WCA prepared a Report and Recommendation on Petition for Reconsideration, recommending that we deny reconsideration.

Thereafter, we issued an order granting the petition, pending further review of the entire record.

Subsequently, the parties agreed to participate in our voluntary mediation program to discuss the issues raised.

The parties participated in a commissioners' mediation settlement conference and agreed to resolve the issues. On October 29, 2026, the parties filed a Joint Stipulation to resolve the issues as follows:

> This matter has proceeded to Arbitration and Reconsideration on contribution, reimbursement, administration and future payment issues. The parties, having met and conferred and participated in WCAB Commissioner conferences, agree and stipulate as follows and request an Award consistent with these Stipulations:
>
> 1. Palomar Health is 60% responsible and Scripps Health is 40% responsible for all past and future costs, claims and expenses related to the case numbers listed herein, whether medical, indemnity or otherwise.
>
> 2. Within 30 days of any Order pursuant to these Stipulations, Palomar Health will make payment to Scripps Health of 60% of all past claims costs and expenses *(other than defense legal costs to date),* with credit for all previous payments made.
>
> 3. Scripps Health will administer these claims on an ongoing basis.
>
> 4. Palomar Health will make payment of 60% of any and all future costs and expenses for these cases, which will be submitted no more than two times per year. Payment will be made by Palomar Health to Scripps Health 30 days after the submission of payment request and payment history demonstrating payments made.
>
> Defendants Palomar Health and Scripps Health request that an Order issue consistent with the Stipulations outlined herein.

We conclude that the Stipulations filed by Scripps Health and Palomar Health should be approved.

Finally, we commend the parties for engaging in good faith negotiations and 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 and Order issued by the workers' compensation arbitrator in this matter on December 3, 2024 is **RESCINDED**.

IT IS FURTHER ORDERED that the Stipulations of defendant Scripps Health and defendant Palomar Health, by and through their representatives, and filed on October 29, 2026, is **APPROVED.**

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

NOVEMBER 5, 2026

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

ENGLAND PONTICELLO
MULLEN, PLUMMER & CASTIGLIONI, APC
PHILLIP S. ALPERT, ESQ.

TD/bp

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