WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

LORENZO TERRY, *Applicant*

vs.

CITY OF LOS ANGELES, permissibly self-insured, *Defendant*

Adjudication Number: ADJ10011393
Marina del Rey District Office

OPINION AND DECISION AFTER RECONSIDERATION

Lien claimant County of Los Angeles Child Support Services Department seeks reconsideration of the Findings and Orders and Award (FO&A) issued by the workers' compensation arbitrator (WCA) in this matter on April 18, 2024. In that decision, the WCA found that applicant sustained injury to his lumbar spine on July 3, 2013, while employed by the City of Los Angeles and awarded 41% permanent disability for injury less credit for permanent disability advances and less attorney fees. The WCA awarded additional temporary disability in the total sum of $4,648.86 plus a self-imposed 10% penalty pursuant to Labor Code[1] section 5814(b) less payment of $1,527.48 to lien claimant in full satisfaction of its lien claims.

Lien claimant asserts that the WCA erred in failing to honor the child support liens that had been filed in the case in the Electronic Adjudication Management System (EAMS) listing the County as a lien claimant. Petitioner requests that the decision of the WCA be vacated and that a hearing be set so that the child support liens can be considered and deducted from applicant's award.

We did not receive an answer from applicant or defendant. We received a Report and Recommendation on Petition for Reconsideration (Report) from the WCA, which recommends that we deny reconsideration.

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[1] All further statutory references are to the Labor Code, unless otherwise noted.

Thereafter, on July 8, 2024, we issued an Opinion and Order Granting the Petition for Reconsideration, pending further review of the entire record.

Subsequently, the parties voluntarily participated in the mediation program to discuss the issues raised.

On September 11, 2026, the parties agreed to and filed a signed "Stipulation to Remand Matter to Trial Level for Further Proceedings." The Stipulation states:

1. Arbitrator Gilbert Katen issued a decision dated April 18, 2024. At this time, Arbitrator Katen is no longer available.
2. Petitioner County of Los Angeles DCSS filed a timely petition for reconsideration dated May 7, 2024 requesting reconsideration of the statutory child support liens filed as set forth on page 4 of the petition.
3. Based on the petition for reconsideration, at issue are the Findings of fact number 4 and number 6 only as they pertain to County's liens.
4. There is a dispute as to whether the ADR program has jurisdiction over the child support liens according to the ADR Agreement with SEIU dated 2009. The ADR Agreement is an attachment to a petition for dismissal to the ADR program, filed on or about August 15, 2016.
5. Parties agree that the record requires further development pursuant to the Appeals Board Opinion dated July 8, 2024.
6. In consideration of the issues above, the parties agree to remove the issue of applicant's child support liens from the ADR program and to remand that specific issue to the WCAB for further proceedings before the DWC district office.

Section 4903 states:

> The appeals board may determine, and allow as liens against any sum to be paid as compensation, any amount determined hereafter as set forth in subdivisions (a) through (i). (Lab. C. §4903.)

Section 4903(e) provides that the reasonable expenses of minor children of the injured employee subsequent to the date of injury "shall be allowed in the proportion that the appeals board deems proper." (Lab. C. §4903(e).) Here, the liens for child support may be allowed against the awards of compensation, including retroactive temporary disability and permanent disability indemnity.

We believe that the Stipulation to remove the child support lien issues from the ADR process and to refer the matter to a WCJ is the most expeditious way to create a complete record relating to the issues raised by petitioner. Thus, we will approve the Stipulation as required by section 5702.

Based upon this joint Stipulation of the parties, we will amend Findings numbers 4 and 6 of the WCA's FO&A of April 18, 2026 to defer the issues of the lien claims to the WCJ. We will also amend Finding number 7, and the Award, a and b, to clarify that the issue is deferred to the WCJ. We otherwise affirm the FO&A, and we return the matter to the Presiding WCJ to assign the matter to a WCJ for further proceedings consistent with this decision.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulation to Remand Matter to Trial Level for Further Proceedings is **APPROVED**.

IT IS FURTHER ORDERED that the Findings and Orders and Award issued by the workers' compensation arbitrator on April 18, 2024 is **AFFIRMED** except that it is **AMENDED** as follows:

FINDINGS

> 4. The injury caused additional temporary total disability for the 6-week period 12/20/2017-1/30/2018, for which compensation is payable at the rate of $774.81 per week, in the total sum of $4,648.86, together with a self-imposed 10% penalty under Labor Code section 5418(b), less payment to the County of Los Angeles Child Support Services Department. The issue of the amount of payment to the County of Los Angeles Child Support Services Department is deferred with jurisdiction reserved to a workers' compensation administrative law judge in the event of a dispute.
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> 6. The issue of the amount of payment to the County of Los Angeles Child Support Services Department for its lien claim is deferred with jurisdiction reserved to a workers' compensation administrative law judge in the event of a dispute.
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> 7. The injury caused 41% permanent partial disability entitling applicant to 208 weeks of indemnity at $230/week, in the total sum of $47,840.00, less credit for $10,350.00 for permanent disability advances and less reasonable attorneys fees of $7,943.00 and less payment to the County of Los Angeles Child Support Services Department. The issue of the amount of payment to the County of Los Angeles Child Support Services Department is deferred with jurisdiction reserved to a workers' compensation administrative law judge in the event of a dispute.

AWARD

A. Additional temporary total disability indemnity for the 6-week period 12/20/20/2017-1/30/2018, for which compensation is payable at the rate of $774.81 per week, in the total sum of $4,648.86, together with a self-imposed 10% penalty under Labor Code section 5418(b), less payment to the County of Los Angeles Child Support Services Department. The issue of the amount of payment to the County of Los Angeles Child Support Services Department is deferred with jurisdiction reserved to a workers' compensation administrative law judge in the event of a dispute.

B. Permanent disability indemnity for 41% entitling applicant to 208 weeks of indemnity at $230/week, in the total sum of $47,840.00, less credit for $10,350.00 for permanent disability advances and less reasonable attorney fees of $7,943.00 and less payment to the County of Los Angeles Child Support Services Department. The issue of the amount of payment to the County of Los Angeles Child Support Services Department is deferred with jurisdiction reserved to a workers' compensation administrative law judge in the event of a dispute.

IT IS FURTHER ORDERED that this matter is **RETURNED** to the Presiding workers' compensation administrative law judge for assignment to a workers' compensation administrative law judge for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 1, 2026

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

LORENZO TERRY
COUNTY OF LOS ANGELES – CHILD SUPPORT SERVICES DEPARTMENT
CITY OF LOS ANGELES, OFFICE OF THE CITY ATTORNEY
FRED FONG

TD/*cs*

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