

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

EDNA IRENE RODRIGUEZ (DECEASED), *Applicant*

vs.

**U.S. SALES CORPORATION; ACE AMERICAN INSURANCE COMPANY
C/O ESIS; NATIONAL UNION FIRE INSURANCE COMPANY
C/O AIG, *Defendants***

**Adjudication Numbers: ADJ227973 (VNO 0404057), ADJ492167 (VNO 0361610)
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant petitioned for reconsideration of the Joint Findings, Award and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on April 25, 2022. In that decision, the WCJ found that Edna Irene Rodriguez (deceased) while employed on July 25, 1997, and during the cumulative period from January 13, 1997 through July 25, 1997, as a machine operator, by US Sales Corporation, sustained injuries arising out of and in the course of employment to her neck, right shoulder, hands and wrists, and claimed to have sustained injury to her psyche. The WCJ also found that applicant's cumulative injury caused temporary disability for the period beginning July 26, 1997 through May 6, 1999, and additional periods from August 12, 2007 through December 3, 2008, and April 20, 2010 through May 9, 2011, payable at the weekly rate of \$131.97. Additionally permanent partial disability of 77% was found and awarded.

The record of proceedings documents that applicant died on September 3, 2020, and is survived by her husband.

Applicant contends in his petition for reconsideration that the WCJ erred in not finding that the injuries affected the deceased employee's psyche, that the deceased employee's compensation rate was greater, and that she sustained additional temporary disability.

We granted reconsideration to further study the factual and legal issues presented.¹

¹ Commissioner Marguerite Sweeney, who signed the Opinion and Order Granting Petition for Reconsideration dated July 19, 2022, is no longer serving at the WCAB. Accordingly, a new panel member has been substituted in her place.

Subsequently, the parties participated in a commissioners' settlement conference at our request.

On June 17, 2024, the parties filed a Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the Joint Findings, Award and Order issued by the WCJ in this matter on April 25, 2022, and return this matter to him so that he can consider the Compromise and Release. The WCJ may conduct such further proceedings as he deems appropriate.

Our decision should not be construed as a ruling on the merits of the petition for reconsideration. If a WCJ does not approve the Compromise and Release, he can issue an order reinstating his decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Joint Findings, Award and Order issued on April 25, 2022, be **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **RETURNED** to the workers' compensation administrative law judge for further proceedings consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 26, 2024

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

**JUAN CARLOS CORREA
LAW OFFICE OF PHILIP J. MCGUIRE
TESTAN LAW
PEARLMAN, BROWN & WAX**

DH/ara

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