

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

FREDY VIERA, *Applicant*

vs.

**SQUARE H. BRANDS, AMTRUST NORTH AMERICA; STAR INSURANCE
COMPANY administered by MEADOWBROOK INSURANCE GROUP, *Defendants***

**Adjudication Numbers: ADJ8593038; ADJ10207316
Los Angeles District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Defendant Republic Underwriters Insurance Company (Republic) seeks reconsideration of the January 26, 2024 Findings and Order (F&O) issued by a workers' compensation arbitrator (WCA) wherein the WCA denied Republic's Petition for Contribution against Star Insurance Company (Star) and found that the two medical reports from Agreed Medical Evaluator (AME), Dr. Philip Kanter, dated February 24, 2014 and July 6, 2016, were inadmissible.

Republic contends that the reports are admissible under Labor Code section 4628(e) and WCAB Rule 10606(c) (Cal. Code Regs, tit. 8, § 10606(c)) and that based upon these reports as well as other exhibits submitted, their Petition for Contribution should be granted. (Petition for Reconsideration (Petition), June 26, 2024, pp. 3-5.)

We did not receive an Answer from Star Insurance Company. The WCA prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

Previously, Republic filed an earlier Petition for Reconsideration on February 20, 2024. In that Petition, Republic also sought reconsideration of the January 26, 2024 F&O for the same reasons noted above.

In response to the earlier Petition, we issued an Opinion and Order Granting Petition for Reconsideration and Decision after Reconsideration (O&O) wherein we rescinded the January 26,

2024 Findings and Order and returned the matter to the trial level for further proceedings. (O&O, April 22, 2024, p. 4.) We noted that “[w]hen the WCA issues a new decision, any aggrieved person may timely seek reconsideration.” (*Id.*)

Labor Code section 5900(a) provides in pertinent part that:

Any person aggrieved directly or indirectly by any final order, decision, or award made and filed by the appeals board or a workers’ compensation judge under any provision contained in this division, may petition the appeals board for reconsideration in respect to any matters determined or covered by the final order, decision, or award, and specified in the petition for reconsideration.

(Lab. Code, § 5900(a).)

Since the issuance of our O&O, the WCA has yet to issue a new Findings and Order. In light of this, there is currently no F&O for us to reconsider. As such, defendant Republic is not aggrieved, and we must dismiss the Petition.

For the foregoing reasons,

IT IS ORDERED that defendant Republic's June 26, 2024 Petition for Reconsideration of the January 26, 2024 Findings and Order is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 23, 2024

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

**FREDY VIERA
BRADFORD & BARTHEL
SHEFFIELD & RICHARDS
EMPLOYMENT DEVELOPMENT DEPARTMENT**

RL/cs

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