

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

HAYDEN BROWN (DECEASED), *Applicant*

vs.

**ENKI MEDICAL SERVICES; SERVICE AMERICAN INDEMNITY COMPANY,
administered by LWP CLAIMS SOLUTIONS, INC, *Defendants***

**Adjudication Number: ADJ15406201
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendants Enki Medical Services and Service American Indemnity Company, administered by LWP Claims Solutions, petition for reconsideration of the Findings of Fact issued by the workers' compensation administrative law judge (WCJ) in this matter on February 5, 2024. In that decision, the WCJ found that Hayden Brown sustained injury arising out of and in the course of her employment to her circulatory system and other body systems resulting in her death.

Defendants contend in their petition for reconsideration that (1) the finding of industrial injury is predicated upon a misapplication of the death inference and is unsupported by the evidence; (2) the holding in *Clemmens v. Workmen's Comp. Appeals Bd.* (1968) 26 Cal.App.2d 1 [33 Cal.Comp.Cases 186] is distinguishable; (3) the WCJ erroneously relied on hearsay evidence; and (4) applicant's heart failure was idiopathic and not industrial.

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

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

On August 14, 2024, the parties filed a Compromise and Release.

In order to expedite review and approval of the Compromise and Release, we will rescind the February 5, 2024, Findings of Fact and return this matter to the trial level so that the WCJ 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 the WCJ does not approve the Compromise and Release, he can issue an order reinstating the WCJ's 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Reconsideration of the Workers' Compensation Appeals Board that the Findings of Fact issued February 5, 2024, be **RESCINDED**.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/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 29, 2024

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

**GLAUBER BERENSON VEGO
GURVITZ & MARLOWE**

DH/ara

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