

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

JOEL SALDANA, *Applicant*

vs.

**ATHENS BAKING COMPANY, COMPWEST INSURANCE COMPANY, administered
by COMPWEST, *Defendants***

**Adjudication Numbers: ADJ6609212, ADJ6609179
Fresno District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant filed a Petition for Reconsideration (Petition) of the Findings of Fact and Orders (F&O) issued by the workers' compensation administrative law judge (WCJ) in this matter on August 2, 2023. In that decision, the WCJ found in pertinent part that applicant failed in his "affirmative duty to produce detailed records showing services and dates rendered for the home health care services provided", and thus ordered that applicant take nothing further as reimbursement for such services.

The WCJ also ordered the medical reporting and opinions of Kevin Calhoun, M.D. regarding applicant's need for homecare be submitted to Utilization Review (UR).

Defendant filed an Answer to the Petition.

The WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

On October 23, 2023, we issued an interim non-final order granting the petition, and further ordered that the matter be referred to a WCJ at the Appeals Board for a status conference.

Thereafter, the parties attended the aforementioned status conference to discuss the issues raised.

On May 3, 2024, in an effort to conserve WCAB resources and expeditiously return this matter to the district office without withdrawing their positions or arguments, the parties agreed to, and filed two signed Stipulations. One of the stipulations is to return the matter back to the trial level for further proceedings in order to create a complete record relating to the issues initially

raised by the parties and as further noted by the Appeals Board in their October 23, 2023 interim non-final order granting the petition.

Based upon this joint stipulation of the parties, and as our Opinion and Decision after Reconsideration, we will rescind the Findings of Fact and Orders of the workers' compensation administrative law judge dated August 2, 2023, and return this matter to the WCJ for further proceedings consistent with the parties' stipulation. The WCJ may conduct such further proceedings as is deemed appropriate.

Finally, we commend the parties for successfully resolving this matter by joint agreement, without the need for further action by the Appeals Board.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulation of applicant and defendant to return this matter back to the trial level, executed and filed on May 3, 2024, is **APPROVED**.

IT IS FURTHER ORDERED that the Findings of Fact and Order of the workers' compensation administrative law judge dated August 2, 2023 is **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **RETURNED** to the workers' compensation administrative law judge for further proceedings consistent with the stipulation of the parties and with this decision and the interim findings of the Appeals Board dated October 23, 2023.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MAY 16, 2024

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

**JOEL SALDANA
LOS ANGELES LAWYER
SAPRA & NAVARRA**

LAS/abs

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

CS