

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

JOHN HILLIARD, *Applicant*

vs.

COUNTY OF SAN DIEGO; Permissibly Self-Insured, *Defendants*

**Adjudication Number: ADJ1825512
San Diego District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant filed a Petition for Reconsideration (Petition) of the Findings of Fact and Order issued by the workers' compensation administrative law judge (WCJ) on September 28, 2023.

In that decision, the WCJ made numerous findings of fact, including that applicant sustained industrial injuries to his neck, bilateral hands, bilateral wrists, thoracic and lumbar spine, and bilateral shoulders, but found applicant's claim for psyche injury barred, and further found applicant failed in his burden of proof as to injury to his legs. The WCJ denied applicant's motion to quash the subpoena for his medical records and deferred the issues of injury in the form of sleep, thoracic outlet syndrome, cognitive disorder, IBS, and fibromyalgia, occupational group number, entitlement to temporary disability, and permanent disability. The WCJ ordered record development, including a re-evaluation of applicant with an internist who was to determine if an evaluation by a neuropsychologist was necessary, as well as further vocational reporting.

Defendant filed an Answer to the Petition.

The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending denial of the Petition.

On December 22, 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 September 26, 2024, the parties advised that a proposed settlement by Compromise and Release (C&R) has been reached in this matter.

In order to expedite review and approval of the parties' settlement agreement, we will rescind the September 28, 2023 Findings of Fact and Order, and remand this matter to the WCJ to consider the C&R of the parties. The WCJ may conduct such further proceedings as is deemed 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 settlement, she can issue an order reinstating her decision and any aggrieved party may timely seek reconsideration from the reinstated decision.

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 Findings of Fact and and Order issued in this matter on September 28, 2023, be **RESCINDED**, and that this matter be **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for such further proceedings as is deemed appropriate.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 9, 2024

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

**NANCY HILLIARD
LAW OFFICES OF PHILIP M. COHEN, APC
COUNTY COUNSEL OF SAN DIEGO
4600BOEHM**

LAS/abs

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