

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

LAURA RUSSELL, *Applicant*

vs.

**FAIRVIEW DEVELOPMENTAL CENTER,
legally uninsured, administered by
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ10649981
Santa Ana District Office**

**OPINION AND ORDER
CORRECTING CLERICAL ERROR**

It has come to the Appeals Board's attention that its decision served May 16, 2024 contains clerical errors consisting of an incorrect caption and an unnecessary order granting reconsideration. An order granting reconsideration in this matter previously issued on January 25, 2021. Therefore, the decision that issued on May 16, 2024 should have been captioned "**OPINION AND DECISION AFTER RECONSIDERATION**" and the only order made should have stated "**IT IS ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the WCJ's decision of November 28, 2020 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ."

We correct these clerical errors by virtue of this decision without granting reconsideration, as such errors may be corrected without further proceedings at any time. (See 2 *Cal. Workers' Comp. Practice* (Cont. Ed. Bar, March 2019 Update) Supplemental Proceedings, § 23.74, p. 23-76.)

For the foregoing reasons,

IT IS ORDERED that the decision that issued on May 16, 2024 is captioned “**OPINION AND DECISION AFTER RECONSIDERATION**”, that the order granting the Petition for Reconsideration is **STRICKEN**, and that the remaining order state “**IT IS ORDERED** as the Decision After Reconsideration of the Workers’ Compensation Appeals Board that the WCJ’s decision of November 28, 2020 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.”

WORKERS’ COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

ANNE SCHMITZ, DEPUTY COMMISSIONER
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 21, 2024

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

**MEDICAL LIEN MANAGEMENT
STATE COMPENSATION INSURANCE FUND**

PAG/abs

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

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

LAURA RUSSELL, *Applicant*

vs.

**FAIRVIEW DEVELOPMENTAL CENTER,
legally uninsured, administered by
STATE COMPENSATION INSURANCE FUND, *Defendants***

Adjudication Number: ADJ10649981

Santa Ana District Office

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

The Appeals Board¹ has been advised that, while this matter has been pending on reconsideration, a proposed settlement has been reached. Therefore, we will grant reconsideration, rescind the decision from which reconsideration is sought, and return this matter to the trial level for the workers' compensation administrative law judge (WCJ) to consider the proposed settlement. If the WCJ does not approve the settlement, the WCJ may issue an order reinstating the original decision and any aggrieved person may timely seek reconsideration from the reinstated decision. This is not a final decision on the merits of any of the issues pending on reconsideration.

¹ Commissioners Sweeney and Lowe who were previously panelists in this matter, no longer serve on the Appeals Board. Panel members have been assigned in their place.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the WCJ's decision of November 28, 2020 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ JOSEPH V. CAPURRO, 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.

**MEDICAL LIEN MANAGEMENT
STATE COMPENSATION INSURANCE FUND, LEGAL**

AS/mc

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