

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

**MARIBEL VARGAS, *Applicant***

**vs.**

**WORKFORCE MANAGEMENT GROUP, INC.; SOUTHEAST PERSONNEL  
LEASING, INC.; STATE NATIONAL INSURANCE COMPANY, administered by  
PACKARD CLAIMS ADMINISTRATION, INC., *Defendants***

**Adjudication Number: ADJ17259034  
Anaheim District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

We granted reconsideration in this matter to further study the factual and legal issues presented. This is our Opinion and Decision After Reconsideration.

Lien claimant, Medland Medical, petitioned for reconsideration of the Findings, Award and Order issued by the workers' compensation administrative law judge (WCJ) in this matter on April 4, 2024. In that decision, the WCJ found that lien claimant failed to prove that applicant sustained injury arising out of and in the course of employment to the neck, hand, trunk, and back, during the period September 26, 2020, through October 4, 2022. The WCJ awarded lien claimant the sum of \$2,255.46 for the April 19, 2023 date of service plus a 25% penalty and interest, and disallowed payment for the remaining dates of service. Lien claimant contends that the WCJ erred in finding that lien claimant did not prove industrial injury based upon the medical-legal reporting of applicant's treating physician. Lien claimant also contends that once injury was found, the WCJ should have awarded payment for reasonable medical treatment provided by lien claimant.

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

Subsequently, at our request lien claimant and defendant participated in a commissioners' settlement conference and agreed to resolve this matter by Stipulation.

The Stipulation was filed on September 12, 2024. The Stipulation provides for the settlement of lien claimant's claim in consideration of the payment by defendant of \$500.00. There

is no dispute that lien claimant is entitled to \$2,255.46 for the April 19, 2023 date of service plus a 25% penalty and interest. Therefore, we will (1) rescind the Findings, Award and Order issued by the WCJ on April 4, 2024, (2) substitute a Findings and Award adopting only Finding 2 and the Award, and (3) issue an Order approving the stipulation.

Finally, we commend the parties for engaging in good faith negotiations and successfully resolving this matter without the need for further litigation.

For the foregoing reasons,

**IT IS ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings, Award and Order issued by the WCJ on April 4, 2024, be **RESCINDED**, and the following Finding and Award **SUBSTITUTED** therefor:

#### **FINDING OF FACT**

Medland Medical is entitled to \$2,255.46 for the April 19, 2023 date of service plus a 25% penalty, and interest.

#### **AWARD**

**AWARD IS MADE in favor of MEDLAND MEDICAL against STATE NATIONAL INSURANCE COMPANY** of \$2,255.46 plus 25% penalty, and interest, to be adjusted by the parties, less any payments previously made by defendant, if any.

**IT IS FURTHER ORDERED** that the Stipulation filed September 12, 2024, be **APPROVED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**SEPTEMBER 16, 2024**

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

**MEDLAND MEDICAL  
STATEWIDE LAW  
CBE LAW GROUP**

**DH/ara**

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

CS