

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

MARTIN BALDERRAMA LAUREL, *Applicant*

vs.

**FLAGSHIP AIRPORT SERVICES, INC.; ZURICH AMERICAN
INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ12669508
San Francisco District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant, Martin Balderrama Laurel, petitions for reconsideration of the Arbitrator's Findings and Award issued by arbitrator in this matter on April 30, 2021. In that decision, the arbitrator found that applicant sustained injury to his upper and lower extremities arising out of and in the course of his employment as janitor by defendant, Flagship Airport Services, Inc., on June 20, 2019, resulting in permanent disability of 2%, but no need for further medical treatment.

Applicant contends in his petition for reconsideration that the arbitrator erred in apportioning liability for permanent disability. Applicant also contends that the arbitrator should be disqualified.

We granted reconsideration to further study the factual and legal issues presented.¹

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

On September 30, 2024, the parties filed an executed Compromise and Release. It provides for a settlement of \$10,000 payable to applicant in a lump sum. It also provides for an attorney's fee of \$1,500 payable in addition to the sum payable to applicant.

Labor Code section 5001 states in pertinent part that "[n]o release of liability or compromise agreement is valid unless it is approved by appeals board or referee."

¹ Commissioners Marguerite Sweeney and Deidra E. Lowe, who signed the Opinion and Order Granting Petition for Reconsideration dated July 19, 2021, are no longer members of the Workers' Compensation Appeals Board. Accordingly, new panel members have been substituted in their place.

Labor Code section 5002 states that:

“A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of its own motion or on the application of either party, enter its award based upon the release or compromise agreement.”

After considering the Compromise and Release in light of the entire record, we conclude that the settlement amount is adequate and that the agreement is in the best interest of applicant. We have considered that any potential right to death benefits is being released. In addition, we conclude that the attorneys’ fee requested is reasonable and should be allowed.

Therefore, we will rescind the Arbitrator’s Findings and Award issued April 30, 2021, and approve the Compromise and Release.

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 Arbitrator’s Findings and Award issued April 30, 2021, be **RESCINDED**.

IT IS FURTHER ORDERED that the Compromise and Release filed September 30, 2024, be **APPROVED**.

AWARD IS MADE in favor of **MARTIN BALDERRAMA LAUREL** against the **ZURICH AMERICAN INSURANCE COMPANY**, as specified in the Compromise and Release.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 22, 2024

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

**MARTIN BALDERRAMA LAUREL
KENNETH MARTINSON, ESQ.
TESTAN LAW
HOWARD GOODMAN, ARBITRATOR
ARS**

DH/ara

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