

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

MICHAEL AYALA, *Applicant*

vs.

**DEPARTMENT OF CORRECTIONS AND REHABILITATION/
LANCASTER STATE PRISON, *legally uninsured*,
STATE COMPENSATION INSURANCE FUND/
STATE CONTRACTS SERVICE, *Defendants***

Adjudication Numbers: ADJ1360597 (VNO 0457429)

San Bernardino District Office

**OPINION AND DECISION
AFTER REMITTITUR**

This Opinion and Decision After Remittitur is issued pursuant to the remittitur to the Workers' Compensation Appeals Board, filed on April 7, 2025, by the Fourth District Court of Appeal, Division 2 (Court), in which the Court certified that its decision of August 14, 2023, has become final. This further follows the remittitur issued by the Supreme Court of California, issued on April 2, 2025, indicating that its decision of February 20, 2025 is final.

The Supreme Court affirmed the decision of the Court of Appeal, which reversed the opinion of the Workers' Compensation Appeals Board and provided the parties with guidance as to what may constitute an award of damages under Labor Code section 4553.

Accordingly, as our Decision After Remittitur, we will rescind the Opinion and Decision After Reconsideration issued by the Appeals Board on April 13, 2022¹, rescind the Findings of Fact issued by the workers' compensation administrative law judge on November 8, 2021, and return the matter to the trial level.

¹ Commissioners Sweeney and Lowe were on the panel that issued the order granting reconsideration. Commissioners Sweeney and Lowe no longer serve on the Appeals Board. New panel members have been appointed in their place.

For the foregoing reasons,

IT IS ORDERED as the Decision After Remittitur of the Workers' Compensation Appeals Board that the Opinion and Decision After Reconsideration issued by the Appeals Board on April 13, 2022 is **RESCINDED**.

IT IS FURTHER ORDERED that the Findings of Fact issued on November 8, 2021, is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 9, 2025

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

**MICHAEL AYALA
ADAMS, FERRONE & FERRONE (NOW FERRONE LAW)
STATE COMPENSATION INSURANCE FUND, LEGAL**

EDL/mc

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