

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

ROBBIE HURTADO, *Applicant*

vs.

**CITY OF RICHMOND, permissibly self-insured,
adjusted by ACCLAMATION, *Defendants***

**Adjudication Numbers: ADJ11385337, ADJ8045352, ADJ10740499, ADJ17719586
Oakland District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant filed a Petition for Reconsideration (Petition) of the Joint Findings of Fact and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on July 31, 2024.

In that decision, the WCJ found that applicant sustained industrial injury arising out of and in the course of employment (AOE/COE) during the period through April 24, 2019 to her bilateral shoulders, neck, bilateral elbows, wrists, hands, and low back. The WCJ further found that her injury caused permanent disability of 100 percent, because she is precluded from employment in the open labor market, and that this resolves applicant's petition to reopen case number ADJ8045352. The issues of earnings and permanent disability rate were deferred pending further development of the record, as were the reasonable value of services by applicant's attorney. On August 20, 2024, the WCJ issued a joint order regarding earnings, stating that based upon the Minutes of Hearing (MOH) of June 17, 2024, and good cause appearing, the applicant's average weekly earnings for the last two dates in injury [of] April 24, 2019 and CT to April 24, 2019 are \$1,395.46.

Petitioner contends that the WCJ erred in finding applicant to be 100 percent permanently totally disabled based upon the reporting of the PQME, as he failed to consider apportionment to applicant's various dates of injury under both Labor Code sections 4663 and 4664.

We have received an Answer from applicant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

On November 7, 2024, we issued an interim non-final order granting the petition and encouraged the parties to participate in the Appeals Board's voluntary mediation program.

Thereafter, the parties participated in the aforementioned mediation program to discuss the issues raised.

On September 15, 2025, the parties advised that a proposed settlement by Compromise and Release (C&R) had been reached and requested return of the matter to the trial level for review of the proposed settlement.

In order to expedite review and approval of the parties' settlement agreement we will rescind the July 31, 2024 Joint Findings of Fact and Award and return 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, the WCJ can issue an order reinstating her decision and any aggrieved person 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 July 31, 2024 Joint Findings and Award 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/ JOSEPH V. CAPURRO, COMMISSIONER

KATHERINE WILLIAMS DODD, COMMISSIONER
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 23, 2025

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

**ANTONIO HURTADO
GEOVANI GILL
JAMIE HURTADO
PERRY RAMEY
BOXER & GERSON
RTGR LAW**

SAR/abs

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