

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

BLONG XIONG *Applicant*

vs.

**FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION;
CYPRESS INSURANCE COMPANY administered by BERKSHIRE HATHAWAY
HOMESTATE COMPANIES, *Defendants***

**Adjudication Number: ADJ11221407
Fresno District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Defendant Fresno County Economic Opportunities Commission (FCEOC) petitioned for reconsideration of the October 10, 2025 Findings and Award issued by the workers' compensation administrative law judge (WCJ). Therein, the WCJ found defendant/employer FCEOC violated Labor Code¹ section 132a when the employer terminated applicant's employment as a bus driver despite having a valid department of transportation (DOT) medical certification and further found that the applicant's work restriction would not preclude applicant from performing work pursuant to the employer's job description. Based on this finding, the WCJ awarded applicant \$10,000 recovery pursuant to section 132a and lost wages in an amount to be adjusted by the parties.

Applicant filed an Answer.

The WCJ prepared a Report and Recommendation on Petition for Reconsideration, recommending that the Petition be denied.

Thereafter, we issued an order granting the petition, pending further review of the entire record.

Subsequently, the parties agreed to participate in our voluntary mediation program to discuss the issues raised.

¹ All further statutory references are to the Labor Code, unless otherwise noted.

On August 13, 2026, 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 October 10, 2025 Findings 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 their original decision and any aggrieved person may timely seek reconsideration of the reinstated decision.

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 WCJ's decision of October 10, 2025 is **RESCINDED** and 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/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 18, 2026

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

**BLONG XIONG
GOLDBERG & IBARRA
SAGASER, WATKINS & WIELAND PC
BERKSHIRE HATHAWAY HOMESTATE COMPANIES
DUNCAN CASSIO
FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION**

TD/cs

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