

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

JUAN CARLOS HERNANDEZ, *Applicant*

vs.

**YMCA OF THE FOOTHILLS;
INSURANCE COMPANY OF THE WEST, *Defendants***

**Adjudication Number: ADJ14649906
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We previously granted both the Petition for Removal in response to the order of the Workers' Compensation Administrative Law Judge (WCJ) setting the matter for trial and applicant's Petition for Reconsideration of the WCJ's Findings and Orders of June 10, 2025, which found and ordered that defendant is entitled to a third-party credit of \$147,625.51 from all species of future benefits based on un rebutted evidence that applicant received a net recovery in that amount. We deferred a final decision on both the Petition for Removal and the Petition for Reconsideration pending further review of the entire record in light of applicable statutory and decisional law.

We issued an order granting the petitions and encouraged the parties to participate in the Appeals Board's voluntary mediation program. Thereafter the parties successfully participated in the aforementioned mediation program, resulting in a proposal to settle all issues by way of Compromise and Release (C&R). The parties have now submitted a fully executed C&R, the approval of which we defer to the WCJ.

Since the District Office is precluded from acting on a case while it is pending on reconsideration (Cal. Code Regs., tit. 8, § 10961), in order to permit review by the WCJ of the proposed settlement, we will rescind the decision of which reconsideration is sought and return this matter to the trial level for the WCJ to consider the proposed settlement. We note that this is

not a decision on the merits, and if the WCJ does not approve the C&R, he may issue an order reinstating his original decision and any aggrieved person may timely seek reconsideration of the reinstated decision.

With respect to the Petition for Removal, as the Petition was filed on June 10, 2025, and the decision issued on June 10, 2025, the Petition was rendered moot. Thus, we will dismiss it.

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Reconsideration of the Workers' Compensation Appeals Board that the WCJ's Findings and Orders of June 10, 2025 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

IT IS FURTHER ORDERED that the Petition for Removal is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MARCH 30, 2026

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

**JUAN CARLOS HERNANDEZ
ACCIDENT DEFENDERS, APC
TOBIN LUCKS LLP**

CWF/cs

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