

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

**KEVIN SILL, *Applicant***

**THE KROGER COMPANY  
dba RALPHS GROCERY COMPANY, *Defendants***

**Adjudication Number: ADJ13324368  
Los Angeles District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

Applicant petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter. Therein, the WCJ found that applicant sustained injury arising out of and in the course of employment to his brain by cognitive impairment, to his pulmonary system by pulmonary embolus, and psychiatric injury causing temporary disability from April 10, 2020 to February 24, 2021 and 17% permanent disability. The WCJ also found that applicant did not sustain compensable injury to his cardiovascular system.

Applicant contends that his psychological injury is a component of his COVID 19 infection and did not arise out of a separate physical injury and may be a result of "Long Covid" and that he is entitled to temporary disability on a psychological basis through at least July 20, 2021.

Defendant filed an Answer. The WCJ issued a Report and Recommendation on Petition for Reconsideration recommending that we deny reconsideration.

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

Subsequently, the parties successfully participated in a voluntary mediation at the Appeals Board.

On April 30, 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 August 6, 2024 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 may 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 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 decision of August 6, 2024 is **RESCINDED** and this matter be **RETURNED** to the workers' compensation administrative law judge to consider the Compromise and Release and for further proceedings as is deemed appropriate.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ CRAIG L. SNELLINGS, COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**MAY 6, 2026**

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

**KEVIN SILL  
LAW OFFICE OF TOM TAKENOUCI  
BRADFORD & BARTHEL**

**LAS/bp**

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