

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

RICHARD FEIGEL PEREZ, *Applicant*

vs.

**CITY OF OAKLAND permissibly self-insured;
Administered by JT2 INTEGRATED RESOURCES, *Defendants***

**Adjudication Numbers: ADJ8833300; ADJ8833298
San Francisco District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant sought reconsideration of the Findings and Order issued on June 16, 2021, by a workers' compensation administrative law judge (WCJ). The WCJ found, in pertinent part, that defendant did not violate Labor Code section 132a and ordered that applicant take nothing by way of his Labor Code section 132a petition.

Applicant contends that he met his burden to establish a prima facie claim that defendant violated Labor Code section 132a and that defendant did not meet its burden to show a reasonable business necessity for its actions.

We have received an Answer from defendant. We received a Report and Recommendation on Petition for Reconsideration (Report) from the WCJ, recommending that we deny reconsideration.

We issued an order granting reconsideration pending further review of the entire record.¹ Thereafter, the parties successfully participated in voluntary mediation at the Appeals Board.

Subsequently, the parties advised that a proposed settlement had been reached.

In order to expedite review and approval of the parties' settlement agreement, we will rescind the June 16, 2021 Findings and Order and return this matter to the trial level to consider the settlement. The assigned WCJ may conduct such further proceedings as is deemed appropriate.

¹ Commissioner Lowe and Commissioner Sweeney who were on the panel that issued the order granting reconsideration no longer serve on the Appeals Board. Other panelists were appointed in their place.

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 conduct further proceedings as appropriate and issue a new decision. Any aggrieved person may timely seek reconsideration of the new 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After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order of June 16, 2021 is **RESCINDED** and the matter is **RETURNED** to the trial level for further proceedings consistent with this decision.

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

JULY 31, 2026

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

**RICHARD FEIGEL PEREZ
RAINS LUCIA STERN ST. PHALLE & SILVER, PC
HANNA BROPHY
BROWN & DELZELL, LLP
CITY OF OAKLAND**

AS/kl

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