

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

PEDRO PELAYO, *Applicant*

vs.

**FAMILY L. PLASTERING & LATHING; INSURANCE COMPANY OF THE WEST,
*Defendants***

**Adjudication Number: ADJ9730500
Riverside District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Lien Claimant, Citywide Scanning Services, Inc. petitioned for reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) in this matter on December 14, 2020. In that decision, the WCJ found that the reasonable value of the lien of Citywide Scanning was \$ 1,695.00, and allowed lien claimant to recover \$643.99 as full payment for unpaid dates of services after credit for sums paid.

Petitioner, Citywide Scanning Services contends in its petition for reconsideration that the WCJ erred in finding that the claim was an accepted claim, thereby calling into question the reasonableness and necessity of the copy services, as well as in denying their request for interest and penalties and utilizing the fee schedule as a basis for determining the reasonable value of their services, since said fee schedule was not enacted until after the copy services were rendered.

Petitioners further request that the WCJ rescind his Findings and Award and issue an amended finding that contested issues existed in the case, that the services were reasonable and necessary, or for the Appeals Board to remand the matter back to trial level for further proceedings.

The WCJ issued a report in which he recommended that the petition for reconsideration be denied.

We granted reconsideration¹ to further study the factual and legal issues presented.

¹ Commissioner Lowe, who was on the panel that granted reconsideration to further study the factual and legal issues in this case, no longer serves on the Appeals Board. Another panelist has been assigned in her place.

Subsequently, the parties participated in a commissioners' settlement conference at our request and agreed to resolve this matter by stipulation. On September 14, 2022, the parties executed a Stipulation to pay Lien Claimant settling the matter for \$2,000.00 as full and final settlement of the dispute. The stipulation, signed by representative Ani Balian for lien claimant, and Angelique Stewart, counsel for defendant, ICW Group, provides as follows:

Lien Claimant, Citywide Scanning Services, Inc. retains an outstanding balance of \$4,742.62, which includes penalty and interest per LC section 4622(a)(1), for the copy services provided in the above referenced case.

Lien Claimant being represented by Ani Balian and Defendant being represented by Angelique Stewart of ICW Group agree to resolve the above referenced amount for a total sum of \$2,000.00 as full and final satisfaction of Citywide Scanning Service's lien.

This settlement resolves any and all dates of service for Citywide Scanning Service, Inc. in the case at bar along with all lien matters involving the same.

Payment will be made upon receipt of WCAB approval (Order/Award) of these stipulations.

P&I waived if paid within 30 days from the Order/Award by WCAB.

We conclude that the Stipulations filed by lien claimant and defendant is adequate and should be approved.

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 Findings and Award issued December 14, 2020, be **RESCINDED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Stipulations of lien claimant Citywide Scanning Service, Inc. and defendant Meadowbrook Insurance, by and through their representatives, executed and filed on September 14, 2022, be **APPROVED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 20, 2022

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

**CITYWIDE SCANNING SERVICE
ICW GROUP**

LAS/ara

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