WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

VILMA OCHOA, *Applicant*

vs.

GERARD CASALE AND STEPHANIE CASALE; MID-CENTURY INSURANCE COMPANY, Administered by FARMERS OKLAHOMA CITY, *Defendants*

Adjudication Number: ADJ2400606 (LAO 0847921)
Los Angeles District Office

OPINION AND DECISION AFTER RECONSIDERATION

The Appeals Board granted reconsideration to study the factual and legal issues. This is our Decision After Reconsideration.[1]

In the Findings and Award and Orders dated September 29, 2021, the Workers' Compensation Administrative Law Judge ("WCJ") found that on July 16, 2003, applicant, while employed by Gerard and Stephanie Casale, then insured by Mid-Century Insurance Company (administered by Farmers Oklahoma City), sustained injury arising out of and in the course of employment to her right lower extremity, but not in the form of sleep disorder, head/headaches, chronic pain, neurological system, shoulders, arms, legs, or back. The WCJ also found that applicant's claim of psyche injury is barred pursuant to the six-month-employment requirement of Labor Code section 3208.3(d), and that the "internal aspects" of applicant's claim of injury are deferred pending further development of the record.

The WCJ also found that applicant was a housekeeper (Group 340) at the time of injury, that applicant's average weekly earnings were $300.00 per week at the time of injury, yielding a temporary total disability indemnity rate of $200.00 per week (the permanent disability indemnity rate was deferred), that applicant was temporarily totally disabled from July 17, 2003 to December 15, 2004, from November 15, 2007 to July 19, 2016 and from October 23, 2018 to February 13,

[1] Commissioner Marguerite Sweeney signed the Opinion and Order Granting Petition for Reconsideration dated December 24, 2021. Commissioner Sweeney is no longer a member of the Appeals Board, so a new panel member has been substituted in her place.

2019, that applicant became permanent and stationary on December 15, 2004 per Dr. Smith, interrupted by additional periods of temporary total disability thereafter, and that applicant became permanent and stationary on July 19, 2016 per Dr. Masserman and again on February 13, 2019 per Dr. Woolf.

In addition, the WCJ found that applicant's "current and tentative" permanent disability rating is 76% based upon Dr. Masserman's permanent and stationary report, which found applicant restricted to sedentary work with the need to use a cane, and that this rating is subject to an increase pending further development of the record "on multiple issues" in reference to the reporting of Dr. Woolf, the Agreed Medical Evaluator ("AME") in internal medicine, with the WCJ adding that this "means applicant will be entitled to a life pension."

The WCJ also found that defendant is not entitled to a Labor Code Section 4056 reduction of permanent disability, and that defendant has not established a valid basis for apportionment of applicant's orthopedic disability, with the "internal aspect" deferred pending development of the record in the reporting of Dr. Woolf. The WCJ specifically ordered the "parties [to] develop the record via AME Dr. Woolf as to permanent disability, causation, and apportionment, per the [WCJ's] Opinion on Decision."

Finally, the WCJ issued two rulings on matters of evidence, ruling that applicant's Exhibit 2 is excluded because it is not substantial evidence and outside Mr. Keith Wilkinson's expertise on the value of applicant's room and board, and that the medical reports of Dr. Young (applicant's Exhibits 34 and 35) are excluded as insubstantial medical evidence and because they were procured by means of a Panel Qualified Medical Evaluator ("PQME") process, even though "a regular QME" could have been obtained pursuant to Labor Code section 4062.

Applicant filed a timely petition for reconsideration of the WCJ's decision. Applicant contends that the WCJ erred in relying upon an unsigned vocational plan as a final determination of the applicant's earnings, that the WCJ erred by failing to properly determine average weekly wages ("AWW") pursuant to Labor Code sections 4453(c)(4) and 4454, and that the WCJ erred in determining the issue of AWW by presuming that "applicant was unreasonable for failing to litigate the issue of earnings" earlier. Applicant further contends that the WCJ incorrectly rated the work restrictions found by Dr. Masserman, that the WCJ "failed to recognize ratable testimony that would produce a permanent total disability award," that in evaluating applicant's ability to work, the WCJ ignored Dr. Woolf's deposition testimony about applicant's work restrictions, that

the WCJ erred in ordering further development of the record regarding apportionment of applicant's internal disability because Dr. Woolf already reviewed all records and concluded that applicant's bone infection ("osteomyolytis") is 100% industrial, and that the WCJ erred in limiting the methods by which the parties can cure the alleged defects in Dr. Woolf's reporting and/or deposition testimony.

Defendant filed an answer.

The WCJ submitted a Report and Recommendation ("Report"). We do not adopt or incorporate the Report unless specifically set forth herein.

At the outset, we observe that if a decision includes resolution of a "threshold" issue, then it is a "final" decision, whether or not all issues are resolved or there is an ultimate decision on the right to benefits. (*Aldi v. Carr, McClellan, Ingersoll, Thompson & Horn* (2006) 71 Cal.Comp.Cases 783, 784, fn. 2 (Appeals Board en banc).) Threshold issues include but are not limited to, injury arising out of and in the course of employment, jurisdiction, the existence of an employment relationship and statute of limitations issues. (See *Capital Builders Hardware, Inc. v. Workers' Comp. Appeals Bd. (Gaona)* (2016) 5 Cal.App.5th 658, 662 [81 Cal.Comp.Cases 1122] ("*Gaona*"). Failure to timely petition for reconsideration of a final decision bars later challenge to the propriety of the decision before the WCAB or Court of Appeal. (See Lab. Code, § 5904.) Alternatively, non-final decisions may later be challenged by petition for reconsideration once a final decision is issued.

A decision issued by the Appeals Board may address a hybrid of both threshold and interlocutory issues. If a party challenges a hybrid decision, the petition seeking relief is treated as a petition for reconsideration because the decision resolves a threshold issue. However, if the petition challenging a hybrid decision disputes a determination made on an interlocutory question, then the Appeals Board will evaluate the issues raised by the petition under the removal standard applicable to non-final decisions, i.e., significant prejudice or irreparable harm. (Cal. Code Regs., tit. 8, § 10955.)

In this case, the Findings and Award and Orders dated September 29, 2021 is a hybrid decision because it includes final findings on the issues of earnings and temporary disability, but it also includes non-final findings on the issues of industrial injury, permanent disability, apportionment, exclusion of evidence, and further development of the record. The latter findings are interlocutory in nature and subject to challenge by petition for removal. However, we treat

applicant's petition herein as a petition for reconsideration because as noted before, the WCJ's decision included final findings on earnings and temporary disability.

At the same time, we observe that applicant does not seek reconsideration of the WCJ's findings on the periods of temporary disability, and that applicant does not specifically object to the WCJ's exclusion of applicant's exhibits 2, 34 and 35.[2] Therefore, unless otherwise noted herein, we will not disturb the findings or rulings of the WCJ that applicant has not challenged in her petition for reconsideration. (Lab. Code, § 5904.)

Turning to the merits, we have reviewed the record and we have considered applicable law. Based thereon, we conclude that the WCJ must revisit and redetermine the issue of earnings. In addition, we conclude that the WCJ's issuance of a tentative finding on permanent disability was ill-advised because she simultaneously determined that further development of the medical record is required on permanent disability and apportionment, generating internal confusion in her decision. As a precautionary matter, we will amend the WCJ's finding on permanent disability to clarify that the issue is deferred. This means we will mostly affirm those parts of the WCJ's decision that have not been challenged upon reconsideration, but we will rescind, amend, and defer those parts of the WCJ's decision that require it, as set forth in this opinion.

Starting with the issue of applicant's earnings, we note that in her Opinion on Decision the WCJ explained the basis for finding earnings of $300.00 per week, as follows:

> AWW [average weekly wages were] $280/wk. at 60 hrs./wk. per the 9/11/2009 Amended Application, at which time applicant could have amended the claimed wages. In the 10/9/05 VR Plan, the parties listed her earnings as $280/week. Applicant at trial claimed $1,194 based on testimony and [her expert] Mr. Wilkinson's opinions, and the employer claimed $300/week based on their agreement and stipulation at the VR Plan in 2005, and Applicant also testified in May 2019 she earned $300/week.
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> Defendant also argued in its 2019 trial brief that VR Expert Mr. Wilkinson is not an expert on the value of room and board in Santa Monica in 2003, whereby he could include that in discussing applicant's AWW. This is not for a VR expert to determine nor is it his expertise area to assess the value of room and board in Santa

[2] To the extent the WCJ excluded these exhibits solely because she believed they are not substantial evidence, we believe the WCJ's approach is incorrect. The apparent substantiality or insubstantiality of proposed evidence goes to its weight, not to its admissibility. Substantial evidence may be inadmissible and insubstantial evidence may be admissible.

> Monica in 2003. I agree with this point and the report dated 10/3/18, Marked for Identification as Applicant's Exhibit 2, is therefore excluded.[3]
>
> Applicant's Exhibit 38 is the per diem rate from ["GSA"] for the period 10/1/02 to 6/13/03 (not 7/16/03 but close), and notes $99/day for lodging and $50 for meals. That would mean $149/day.
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> At the 5/28/19 trial, she testified she lived at the residence, at least 6 days per week with Sundays off, and that she made $300/week. She benefitted from the lodging and food but there was no evidence presented by the parties or contained anywhere in the records that would indicate applicant was required to stay overnight for this job. The fact she did stay overnight does not automatically mean she is entitled to these alleged added earnings. Also, in all the years since July 2003, never was a dispute raised, nor an objection or petition or letter filed, whereby one could note applicant and/or her attorneys were disputing the AWW all this time. Applicant received TTD at the $200/week rate and this was not disputed for a very, very long time. A reasonable person would conclude that applicant did not have a reasonable expectation to include "food and lodging" in her weekly pay until 2019, 16 years after the fact, and the Application was never amended to reflect this either.
>
> In conclusion, based upon applicant's testimony on 5/28/19, the VR Plan, the Application(s) for Adjudication, the prior history in the case (i.e., TTD being paid at $200/week), and defendant's assertion that the AWW was $300/week, I do believe it is only fair to conclude that applicant's AWW was indeed $300/week, yielding a TTD rate of $200/week and a PD rate yet to be determined.

In addition to the analysis noted above, the WCJ states in her Report that "she did find that applicant's issue [of earnings] raised so many years later [after the case "started" in 2003] was akin to being barred by the doctrine of laches, which is not only unfair to the defendant but may cause some evidence (including witnesses) on the issue from being destroyed or gone."

We disagree with the WCJ's approach in determining earnings.

First, we note that Labor Code section 4453(c) includes four methods of determining average weekly earnings, but the WCJ did not specify which of the four methods she relied upon to determine that applicant's average weekly earnings were $300.00 per week. For instance, subparagraph (3) of section 4453(c) may apply where, as here, earnings "are specified to be by week," but it is uncertain whether the WCJ applied this provision. Further, subparagraph (4) of section 4453(c) allows the WCAB to determine applicant's average weekly earnings ("AWE")

[3] Although the WCJ accorded little or no weight to Mr. Wilkinson's opinion on room and board, his supposed lack of expertise on the matter is not necessarily a valid reason to exclude his report, as noted before. Moreover, Ms. Polhemus, defendant's expert in forensic economic statistics came up with a similar valuation of applicant's work, at $1,004.00 per week. (Defense exhibit E.)

based upon her "earning capacity," if the other three methods for determining AWE under section 4453(c) "cannot reasonably and fairly be applied." In that case, "due consideration…[is] given to his or her actual earnings from all sources and employments." (Labor Code section 4453(c)(4); *Argonaut Ins. Co. v. Ind. Acc. Com. (Montana)* (1962) 57 Cal.2d 589 [27 Cal.Comp.Cases 130].) In other words, subdivision (c)(4) of section 4453 is for situations in which the first three statutory formulae of section 4453(c) do not yield a fair result and require an estimate of earning capacity from all relevant circumstances, not just past earning history or actual earnings at the time of injury. (*Montana, supra,* 57 Cal.2d at pp. 594–595; *Goytia v. Workers' Comp. Appeals Bd.* (1970) 1 Cal.3d 889, at 894–895 [35 Cal.Comp.Cases 27]; see also, *Gonzales v. Workers' Comp. Appeals Bd.* (1998) 68 Cal.App.4th 843, 847 [63 Cal.Comp.Cases 1477].)

We conclude that the WCJ must revisit the issue of average weekly earnings and specify which provisions of section 4453(c) she wishes to rely upon to determine the issue, including, as appropriate, case law relevant to the four methods of determining the issue described in subdivision (c). If the WCJ finds it appropriate to consider applicant's earning capacity pursuant to subparagraph (4) of section 4453(c), she should further develop the record as deemed necessary to determine that issue. (*Telles Transport, Inc. v. Workers' Comp. Appeals Bd.* (2001) 92 Cal.App.4th 1159, 1164 (66 Cal.Comp.Cases 1290) [Board may not leave undeveloped matters which its acquired specialized knowledge should identify as requiring further evidence].) We also conclude that the WCJ must include room and board in determining applicant's earnings, pursuant to Labor Code section 4454. This is further discussed below.

Turning to the evidentiary record, we note the WCJ states that she considered applicant's trial testimony of May 28, 2019, but the EAMS record does not reflect that applicant gave trial testimony at that time.[4] It appears the WCJ may be referring to applicant's trial testimony of September 23, 2019, the first day of trial in front of the WCJ previously assigned to this matter; at that time applicant testified she was paid $300.00 per week for her work with the Casales. (Summary of Evidence, 9/23/19, p. 11.) As for applicant's Applications for Adjudications of Claim, they are part of the record of proceedings but they consist of mere allegation, which is not substantial evidence; the same is true of "defendant's [mere] assertion that the AWW was $300/week." Concerning the vocational rehabilitation plan dating back to October 2005 (defense

[4] In further proceedings at the trial level, the WCJ should make sure to include the full Minutes of Hearing and Summary of Evidence of May 28, 2019 (if any) in the EAMS record in ADJ2400606.

exhibit D), the plan documents applicant's "earnings at injury" as $280.00 per week. However, it is unclear whether this documentation of earnings meets the definition of a trial stipulation, as assumed by the WCJ. The WCJ must revisit whether the vocational rehabilitation plan's inclusion of earnings of $280.00 per week actually was a trial stipulation, which is an agreement by the parties intended to remove earnings as a litigable issue. (See *County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114 [65 Cal.Comp.Cases 1].) It appears the parties did not so intend, but even if the vocational plan is cognizable as a trial stipulation, the WCJ did not consider whether there is good cause to disregard it. Although we express no final opinion, defense exhibit E suggests that applicant's wages may have had greater value than $280.00 per week, which is a factor to consider in determining whether there is good cause to disregard the "stipulation" in the vocational plan. (See *Robinson v. Workers' Comp. Appeals Bd.* (1987) 193 Cal.App.3d 784 (52 Cal.Comp.Cases 419) [trial stipulations may be set aside upon a showing of good cause].)

In addition, we do not share the WCJ's view that the issue of earnings was waived on account of the fact that "applicant received TTD at the $200/week rate and this was not disputed for a very, very long time." Specifically, we disagree with the WCJ's suggestion that the equitable doctrine of laches applies here. This is because when a laches defense is raised, "[p]rejudice is never presumed; rather it must be affirmatively demonstrated by the party asserting the defense in order to sustain its burden of proof." (*Stickle v. Staffmark, Inc.* (2020) 2020 Cal. Wrk. Comp. P.D. LEXIS 41, slip op. at p. 28, citing *Piscioneri v. City of Ontario* (2002) 95 Cal.App.4th 1037, 1050.)

Here, there is no 'affirmative demonstration' that defendant was prejudiced for the reason that "applicant was paid TTD, PD and VRMA at certain rates over the years and applicant never challenged that or asked for a wage statement or raise in rates," as claimed in the WCJ's Report. In fact, applicant raised the issue of earnings on the record at the trial hearings of September 23, 2019 and June 2, 2021, without objection by defendant. Defendant evidently did not believe that applicant waived the issue, because defendant retained its own expert on earnings, Jennifer L. Polhemus. Ms. Polhemus, a forensic economist, concluded that "the average weekly values appropriate for [applicant's] work situation as it was explained to me" were $1,004.00 per week, based on applicant's wages, lodging and meals. (Defense exhibit E, admitted June 2, 2021 without objection.) In her Opinion on Decision and Report, the WCJ does not mention this evidence and does not explain why she did not consider it.

Returning to relevant statutory authority, Labor Code section 4454 provides that in determining average weekly earnings under section 4453 (discussed before), "there *shall be included* overtime and *the market value of board, lodging*, fuel, and other advantages received by the injured employee as part of his remuneration, which can be estimated in money, but such average weekly earnings shall not include any sum which the employer pays to or for the injured employee to cover any special expenses entailed on the employee by the nature of his employment [.]"

In this case, applicant testified that she lived at the Casale residence, who provided her a room to sleep in, as well as food. In other words, the Casales provided applicant with room and board, in addition to the $300.00 she was paid for six days of work. (Summary of Evidence, 9/23/19, p. 10.)

In her Report, the WCJ states that applicant was not required to stay or sleep at the Casale residence, and that the Casales did not intend room and board to be part of applicant's pay. However, the mandatory language of section 4454 indicates that room and board "shall be included" in determining average weekly earnings, as long as room and board are "advantages received by the injured employee as part of [her] renumeration [.]" The statute so instructs, regardless of whether the employee was required to lodge with the employer and regardless of the employer's intent. Rather, lodging is remuneration if an employee is provided with lodging in exchange for services and the lodging is an economic advantage to the applicant. In *Fackerell v. Industrial Accident Commission (Roy)* (1940) 5 Cal.Comp.Cases 80 (writ den.), for instance, the applicant was employed as a practical nurse with wages of $30.00 per month and room and board valued at $60.00 per month. The value of applicant's room and board was properly included in the calculation of her average weekly wage.

In this case, it is not disputed that applicant stayed at the Casale residence six nights per week. Regardless of whether that situation benefitted the Casales or applicant or both parties, applicant's receipt of room and board must be considered in determining her average weekly earnings. Again, the fact that applicant was not required to stay at the Casale residence does not negate the fact that she was provided with a room and meals as part of her employment by them. Therefore, it must be included in determining applicant's average weekly earnings, consistent with section 4454.

As for the issues of permanent disability and apportionment, we noted at the outset that a decision issued by the Appeals Board may address a hybrid of both threshold and interlocutory issues, even though a petition that challenges a hybrid decision is treated as a petition for reconsideration because a threshold issue is involved. We also noted that if the petition challenging a hybrid decision disputes a determination made on an interlocutory question, then the Appeals Board will evaluate the issues raised by the petition under the removal standard applicable to non-final decisions, i.e., significant prejudice or irreparable harm. (Cal. Code Regs., tit. 8, § 10955.)

In this case, it appears that the WCJ intended her finding of 76% permanent disability to be provisional, in that she has yet to determine whether applicant sustained industrial injury to her internal system (Finding 1) and whether applicant has sustained any permanent disability as a result of that condition (Findings 6, 11 and 12). Because the WCJ expressly stated that her finding of 76% permanent disability was "tentative" (Finding 6) and because the WCJ has concluded that Dr. Woolf's medical opinion requires further development (Findings 6, 11 and 12), we evaluate the issues raised by applicant's petition under the removal standard applicable to non-final decisions, i.e., significant prejudice or irreparable harm.[5]

As noted at the outset, applicant alleges that the WCJ erroneously rated permanent disability in connection with Dr. Masserman's medical opinion, that the evidence justifies an award of permanent and total disability, that the WCJ ignored Dr. Woolf's deposition testimony about applicant's work restrictions, that the WCJ erred in ordering further development of Dr. Woolf's reporting, and that the WCJ improperly restricted the parties' right to address the perceived defects in Dr. Woolf's reporting and/or deposition testimony.

Considering applicant's allegations under the removal standard applicable to non-final decisions, we are not persuaded that applicant has made a showing of significant prejudice or irreparable harm. Since the WCJ's rating of permanent disability according to Dr. Masserman's medical opinion is "tentative," applicant is free to object to the WCJ's rating of permanent disability in further proceedings at the trial level, and the WCJ will be obliged to address and

[5] In reference to permanent disability and apportionment, the WCJ issued two findings adverse to defendant. In Finding 10, the WCJ found that defendant is not entitled to a Labor Code section 4056 reduction of permanent disability. In Finding 12, the WCJ found that defendant has not established a valid basis for apportionment of applicant's orthopedic disability. As defendant did not seek reconsideration of these findings, objection to them has been waived. (Lab. Code, § 5904.) Accordingly, we will not disturb Finding 10 or Finding 12.

resolve any such objection. The same is true of applicant's objections to the WCJ's approach in weighing Dr. Woolf's medical opinion on permanent disability and apportionment.[6]

Further, to the extent applicant contends the WCJ lacks discretion to control the manner in which the record is further developed, we disagree. (See, e.g., *Rossi v. Binks Mfg. Co.* (2015) 2015 Cal. Wrk. Comp. P.D. LEXIS 780, citing *McDuffie v. Los Angeles County Metropolitan Transit Authority* (2002) 67 Cal.Comp.Cases 138 [Appeals Board en banc].) The discussion of this issue in the WCJ's Report is sound:

> The reason I [the WCJ] tailored my suggestions on the development of the record issue was to avoid having the entire record reopened as a 'free for all' to go out and get a 100 more medical reports. I think I was very clear on the issues I had and that it was mainly directly at Dr. Woolf, the internal AME. The parties can proceed how they wish on this issue - either set a reevaluation with him, send him an interrogatory and ask for a supplemental report, and/or set his deposition. It does not matter what avenue they choose to use to develop the record. As long as Dr. Woolf's reporting makes clear sense to me, and addresses the concerns I raised in the Opinion on Decision, it is irrelevant how the parties arrive there. So yes, under [*McDuffie*], the parties should develop the record. No, they do not *have to* do it by supplemental report only.

In the final analysis, applicant's contentions about permanent disability and apportionment do not amount to a showing that a future petition for reconsideration will be an inadequate remedy when the WCJ issues a final order, decision or award on the issues of permanent disability and apportionment. (Cal. Code Regs., tit. 8, § 10955(a).)

Nonetheless, we conclude our opinion by expressing our disagreement with the WCJ's approach of issuing a "tentative" finding on permanent disability, where so many questions relevant to the issue remain outstanding. Such an approach engenders confusion and invites litigation and delay. By way of example, if we were to affirm the WCJ's finding of 76% permanent disability, even though the WCJ labelled it "tentative," a party might feel compelled to file a petition for writ of review of our decision in order to preserve its right to contest the finding. (See Lab. Code, §§ 5950 et seq.) Therefore, in order to clarify the WCJ's decision as well as the status of this case, we will rescind the WCJ's "tentative" finding of 76% permanent disability and amend

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[6] In passing, we believe the WCJ is incorrect in assuming that *Hikida v. Workers' Comp. Appeals Bd.* (2017) 12 Cal.App.5th 1249 [82 Cal.Comp.Cases 679] only applies to permanent disabilities rated under the 2005 Schedule for Rating Permanent Disability. To the contrary, in *Hikida* the Court of Appeal stated: "Nothing in the 2004 legislation had any impact on the reasoning that has *long supported* the employer's responsibility to compensate for medical treatment and the consequences of medical treatment without apportionment." (12 Cal.App.5th at 1263, italics added.)

the WCJ's decision to reflect beyond doubt that the issues of permanent disability and apportionment are deferred pending further proceedings and new decision by the WCJ, with jurisdiction reserved at the trial level.

For the foregoing reasons,

IT IS ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Findings and Award and Orders dated September 29, 2021 are **AFFIRMED, EXCEPT** that paragraph (b) of the Award is **RESCINED AND DEFERRED**, and Findings of Fact (7) and (11) are **RESCINDED AND REPLACED** by the following new Findings of Fact (7) and (11):

FINDINGS OF FACT

7. The issue of applicant's average weekly earnings is deferred pending further proceedings and new determination by the WCJ, with jurisdiction reserved at the trial level.

11. Further development of the record is required in reference to the medical opinion of Dr. Woolf, the Agreed Medical Evaluator in internal medicine. The issues of the nature, extent and rating of applicant's permanent disability are deferred pending further proceedings and new determination by the WCJ, with jurisdiction reserved at the trial level.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that this matter is **RETURNED** to the trial level for further proceedings and new decision by the WCJ on the outstanding issues, consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 29, 2024

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

GAYLORD & NANTAIS
STRATMAN SCHWARTZ & WILLIAMS-ABREGO
VILMA OCHOA

JTL/*ara*

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