

STATE OF CALIFORNIA
Division of Workers' Compensation
Workers' Compensation Appeals Board

[Redacted]
Applicant,
vs.
County of San Bernardino, PSI
Defendants.

Case No(s). [Redacted]

ORDER APPROVING COMPROMISE &
RELEASE AND AWARD THEREON

(x) The hearing set for 5-26-2020 is cancelled.

(x) In evaluating this Compromise and Release agreement, consideration has been given to the fact that said document releases the rights of dependents of the applicant to death benefits. Considering all of the facts in the case, the consideration is found adequate for normal benefits and possible death benefits and is hereby approved. (SUMNER v. WCAB, 48 C.C.C. 369).

(x) Defense letter of 4/27/2020 has been reviewed and considered along with the medical records herein.

(x) The WCAB has no jurisdiction over Social Security Administration or Medicare in relation to settlements, If the parties have concern or interest in this subject they should make direct inquiry with the appropriate federal agency relative to any matters pertaining to approval. The settlement appears reasonable and adequate given current medical opinion and applicant's access to other private insurance.

(x) The Supplemental Job Displacement Benefit/Voucher is not settled.

The parties to the above-entitled action having filed a Compromise and Release settling this case as set forth herein above, and requesting that it be approved, and this Board having considered the entire record, including said Compromise and Release, now finds that it should be approved. The entire medical record is incorporated herein by reference.

Reference to any general release or Civil Code Sect. 1542 release of claims, if any, in this settlement is not approved as to matters outside the jurisdiction of the WCAB under the Labor Code. Adequacy of the settlement has been approved on this basis only and the parties have requested approval on this basis as applicable. (Jefferson v. WCAB 67 CCC727).

IT IS ORDERED THAT: Said Compromise and Release be, and it hereby is, approved as filed on: 4/2/2020 and;
AWARD IS MADE pursuant to said settlement in favor of the above-named applicant, against the above-named defendant(s), Insurance Company/Permissibly Self-Insured, in the sum of

C&R : \$500,000.00; less credit to defendant(s) for any permanent disability advances of:
PDAs - (\$33,432.86) and according to proof and as otherwise specified in the Compromise and Release approved herein and less : of
OTHER - (\$0); and less attorney's fees of:
FEES - (\$60,000.00) (12%) payable to Nancy Wallace; Atty at Law as reasonable attorney's fees;
Balance: \$406,567.14 to applicant () less additional advances if any according to proof through the date of the settlement .

(x) Defendant has paid or will pay EDD/SDI \$ none
(x) IT IS FURTHER ORDERED: (x) IT IS REPRESENTED, there are no liens of record unresolved. (x) Defendant(s) shall pay, adjust, or litigate all liens properly served to date of Award herein with jurisdiction reserved to the Board all in accordance with L.C. Sect. 4903, etc. and defendant shall make a further good faith effort to confirm and resolve lien balances or if such efforts fail file a D.O.R. (x) Child Support lie shows no balance owed.
(x) IT IS FURTHER ORDERED THAT: Any actual or potential Application for Benefits for Serious and Willful Misconduct of Employer and Petition for Benefits under Labor Code § (x) 132a (x) 4553 (x) 5814 be, hereby settled..

(x) No liens of record in EAMS file noted to date.

Robert T. Pusey

ROBERT T. PUSEY
WORKERS' COMPENSATION JUDGE

Executed on: 4/27/2020 effective on date served
AT SAN BERNARDINO, CALIFORNIA

SERVICE:
[Redacted] ONTARIO, Email

NOTICE TO: DEFENSE, [Redacted]
Pursuant to Rule 10629, you are designated to serve this/these document(s) forthwith on all parties shown on the Official Address Record.
ON: 5/6/2020
BY: [Redacted]

7. The parties agree to settle the above claim(s) on account of the injury(ies) by the payment of the SUM OF

\$ 500,000

Settlement Amount

The following amounts are to be deducted from the settlement amount:

\$ [redacted] for permanent disability advances through 2/14/2020 and ongoing

\$ _____ for temporary disability indemnity overpayment, if any.

\$ _____ payable to _____

\$ _____ payable to _____

\$ _____ payable to _____

\$ _____ payable to _____

\$ [redacted] requested as applicant's attorney's fee.

LEAVING A BALANCE OF \$ 406,567.14 , after deducting the amounts set forth above and less further permanent disability advances made after the date set forth above. Interest under Labor Code section 5800 is included if the sums set forth herein are paid within 30 days after the date of approval of this agreement.

8. Liens not mentioned in Paragraph No. 7 are to be disposed of as follows (Attach an addendum if necessary):

DEFENDANT TO PAY, ADJUST OR LITIGATE ALL TIMELY FILED LIENS OF RECORD, EXCEPT CHILD SUPPORT LIENS, CALVCB LIENS, AND LIENS FOR FUNDS ADVANCED TO APPLICANT BY THIRD PARTIES, SUBJECT TO ALL DEFENSES UNDER CA LAW. WCAB JURISDICTION RESERVED AS TO LIENS.