

# COMPENSATION NEWS

MONTHLY REPORT

## THIS IS A WORKER’S COMPENSATION APPEALS BOARD (WCAB) PANEL DECISION TO PAY A LIEN OF PROVIDER OUTSIDE THE MPN

### *This is a panel decision of the WCAB*

This is a very significant case for workers’ compensation principles in that it discusses the current case law.

The applicant was injured and saw a physician who issued a doctor’s first report of injury. The defendant sent the doctor a letter informing the doctor he was not authorized to treat since he was not in the

Medical Provider Network (MPN).

The physician stopped treatment and filed a lien. The applicant then settled the case by compromise and release (C&R). Thereafter, the Workers’ Compensation Judge (WCJ) approved the doctors’ lien. The defendant filed a petition for reconsideration. The WCAB denied reconsideration because the order approving compromise and release had become final with no petition for reconsideration.

The original C&R did not have a hold harmless clause to the C&R. The WCJ added one on his own. The Panel decision indicated the WCJ should not have added

anything because a WCJ cannot rewrite a C&R. Since no petition was filed timely the hold harmless clause applied.

The hold harmless clause meant the defendant had to pay since the applicant was held harmless. It is recommended you do not use hold harmless clauses in your legal documents.

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