

COMPENSATION NEWS

MONTHLY REPORT

THE COURT OF APPEAL ISSUED A PUBLISHED DECISION ON THE ISSUE OF SETTING ASIDE A STIPULATION WITH REQUEST FOR AWARD

This is a published Court of Appeal case.

This is a very significant case for workers' compensation principles.

The applicant filed a specific injury and a cumulative trauma. The case went to trial and the Workers Compensation Judge (WCJ) found each injury was responsible for one half of the total

permanent disability. One of the carriers on the cumulative trauma went insolvent and California Insurance Guarantee Association (CIGA) became involved.

In 2001 CIGA entered into a Stipulation on liability for the joint award. Over the years new cases developed that were directly related to CIGA.

In 2008, seven years after the stipulation CIGA petitioned the Workers' Compensation Appeals Board (WCAB) for change of administrators and dismissal of CIGA based on a 2007 case.

The WCJ agreed with CIGA and stated the original stipulations were not valid. The WCAB agreed.

The appellate court reviewed section 5803 which deals with setting aside the order on the stipulation. They indicated that in this case the stipulation could not be set aside because it did not meet any of the exceptions to set aside the stipulations.

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(CALIFORNIA INSURANCE
GUARANTEE ASSOCIATION)**