

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

ERNEST SANCHEZ, *Applicant*

vs.

STATE OF CALIFORNIA, Legally Uninsured, *Defendant*

**Adjudication Number: ADJ12021219
Bakersfield District Office**

**OPINION AND ORDER
GRANTING PETITION FOR RECONSIDERATION
AND DECISION AFTER RECONSIDERATION**

Applicant seeks reconsideration of a workers' compensation administrative law judge's (WCJ) Findings and Order of March 30, 2021, wherein it was found that, while employed as a correctional officer on January 26, 2019, applicant did not sustain industrial injury to the respiratory system and musculoskeletal system in the form of coccidioidomycosis, commonly known as valley fever. The WCJ thus ordered that applicant take nothing by way of his workers' compensation claim.

Applicant contends that the WCJ erred in finding that he did not sustain industrial injury. We have received an Answer from defendant, and the WCJ has filed a Report and Recommendation on Petition for Reconsideration.

We will grant reconsideration, rescind the WCJ's decision, and return this matter to the trial level for further development of the medical record and analysis in order for the parties, the reporting physician(s), and the WCJ to consider the applicability of Labor Code section 3212.10. (See generally *Lee v. State of California* (2017) 2017 Cal. Wrk. Comp. P.D. LEXIS 543 [Appeals Bd. panel]; *Thomas v. State of California* (2021) 2021 Cal. Wrk. Comp. P.D. LEXIS 62 [Appeals Bd. panel].) Regardless of whether section 3212.10 applies, the parties may raise any issues regarding industrial causation, including the issues raised in applicant's Petition, to the reporting physician(s) and WCJ in the further proceedings. We express no position on the ultimate resolution of this matter.

For the foregoing reasons,

IT IS ORDERED that Applicant's Petition for Reconsideration of the Findings and Order of March 30, 2021 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order of March 30, 2021 is **RESCINDED** and that this matter is **RETURNED** for further proceedings and decision consistent with the opinion herein.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ DEIDRA LOWE, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 18, 2021

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

**ERNEST SANCHEZ
BERRY, SMITH & BARTELL
STATE COMPENSATION INSURANCE FUND**

DW/oo

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