

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

LORIN KUPAN, *Applicant*

vs.

**PROPERTY MANAGEMENT ASSOCIATES; EMPLOYERS COMPENSATION
INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ9551937
Santa Ana District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Defendant The Hartford seeks reconsideration of the May 28, 2021 Findings and Order issued by the workers' compensation administrative law judge (WCJ). Therein, the WCJ found that The Hartford is liable for reimbursement of 1/3 of the costs and medical treatment paid by co-defendant Employer's Compensation (Employers). The WCJ also found that The Hartford is not liable for charges associated with the reporting of agreed medical examiner (AME) Dr. Angerman or the treatment by physical therapist Lauren Goodell. Based on these findings, the WCJ ordered "that The Hartford reimburse Employer's Compensation 1/3 of the charges of \$51,953.38, less payments made to AME Dr. Angerman and physical therapist Lauren Goodell, to be adjusted by the parties with jurisdiction reserved over any dispute that may arise."

Defendant The Hartford contends that Employers failed to provide supporting documentation to show that they actually paid for services or provided benefits for the right knee.

Defendant Employers filed an answer.

The WCJ issued a Report and Recommendation on Petition for Reconsideration recommending that we deny reconsideration.

Based on our review of the record, and for the reasons discussed below, we will dismiss the Petition for Reconsideration as premature.

The Hartford does not challenge the WCJ's finding of a 1/3 split. Defendant states that it agrees with the comment in the WCJ's report that "as Dr. Miller's reporting and examinations included

the Applicant's right knee, it would be found appropriate for these charges to be shared amongst the defendants in equal share." (Petition for Reconsideration, at p. 5:12-15.) In addition, The Hartford does not dispute the WCJ's finding of a 1/3 split as to costs related to utilization review, subpoenaed records, and bill review. Rather, it appears that The Hartford's only dispute is with a specific amount of reimbursement being ordered. As stated above, the WCJ ordered The Hartford to reimburse "1/3 of the charges of \$51,953.38, less payments made to AME Dr. Angerman and physical therapist Lauren Goodell, *to be adjusted by the parties with jurisdiction reserved over any dispute that may arise.*" (Emphasis added.) Thus, because the WCJ qualified the order, reserving jurisdiction at the trial level if there is any dispute, he did not order a specific amount reimbursed. Therefore, the parties should attempt to adjust the amount of reimbursement owed. If there is still any dispute, it should return to the WCJ for a decision in the first instance.

We also admonish defense attorney Quynh Le with the Law Offices of Melody Z. Cox for attaching documents that are already part of the record in violation of WCAB Rule 10945. (Cal. Code Regs., tit. 8, former § 10842(c), now § 10945(c)(1)-(2) (eff. Jan. 1, 2020).) Failure to comply with the WCAB's rules in the future may result in the imposition of sanctions.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ DEIDRA E. LOWE, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 16, 2021

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

**LAW OFFICES OF MELODY Z. COX
TOBIN LUCKS (2)**

PAG/ara

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