

STATE OF CALIFORNIA  
WORKERS' COMPENSATION APPEALS BOARD

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212117

Thomas Beard

Case No.: A05 2342642  
A05 1900614  
A05 4409104  
A05 1634890

Applicant,

San Joaquin County Mosquito Vector  
Control District, and AIMS Ins.

Defendant.

ORDER APPROVING JOINT  
COMPROMISE AND RELEASE

(a) Based upon review of the record, including medical reports, recitations and offers of proof contained in the submitted settlement document(s), and/or discussions with or representations of the parties/lien claimants, the Compromise and Release is deemed adequate and should be approved. In determining the adequacy of the agreement, the following has been considered and approved (if checked):

- Release of potential death benefits per Sumner v. WCAB(1983), 48 CCC 369 and Johnson v. WCAB(1970), 35 CCC 362.
- Release of benefits for any injuries which might occur during the course of any vocational rehabilitation plan or program, per Rodgers v. WCAB(1985), 50 CCC 299 and Carter v. County of L.A.(1986), 51 CCC 255.

(b) The following specific findings of fact are hereby made:

- Release of rehabilitation benefits, per Thomas v. Sports Chalet, Inc.(1977), 42 CCC 625/ Labor Code §.4646, given the serious and good-faith issue as to injury AOE/COE (or affirmative defense) proffered, which if decided adverse to applicant/claimant would defeat the entitlement therein to any and all benefits. The detailed offer of proof contained in the C&R is adopted and incorporated herein as a finding of fact.

Other: Thomas finding is hereby ~~repealed~~ <sup>limited</sup> to <sup>denied</sup> parts of body of CT 1/9/07 (left knee), 1/9/07 (back, rt. knee, rib cage), and CT 1/9/07 (sleep disorder)

→ Applicant retains Award of open future medical care for rt. knee, left knee, and low back  
An attorney's fee of \$ 2,250.00 is found to be reasonable and is therefore allowed.

IT IS ORDERED THAT THE COMPROMISE AND RELEASE BE, AND IS, APPROVED.


(c) AWARD is made in favor of: Thomas Beard (applicant), and against

<u>AIMS Ins.</u>	(defendant), in the sum of:	\$ <u>15,000.00</u>
	less approved attorney fee of:	\$ <u>2,250.00</u>
	less <u>POA's</u>	\$ <u>4,140.00</u>
	less _____	\$ _____
	Balance payable to applicant:	\$ <u>8,610.00</u>
	<del>Less credit for permanent disability advanced, as set forth in the Compromise and Release.</del>	

The WCAB retains jurisdiction over liens filed and perfected to date, penalty and interest, as well as any benefit not resolved.

Date: 6/2/09

NOTICE: J. Duarte is hereby designated under Rule 10500; is ORDERED to serve a copy of this order on all parties/lien claimants on the Official Address Record. SERVED on designee by g on 6/2/09

  
DAVID D. BOVETT  
Workers' Compensation Judge