

1 **First Name Last Name**
Principal Attorney, **LCSA**
2 Department of Child Support Services
3 **123 Street Name Ave**
City, State 12345
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5 Telephone: **(800) 800-0000**
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8 **WORKERS COMPENSATION APPEALS BOARD**
OF THE STATE OF CALIFORNIA
9

10 **JANE DOE**) **WCAB NO. ADJ 1234567**
11)
12 Applicant,)
13)
14 vs.) **REQUEST FOR RECONSIDERATION**
15) **OF 10/15/14 FINDINGS OF FACT, ORDERS**
16) **AND AWARDS**
17)
18 EMPLOYER;)
19 INSURANCE COMPANY 1;)
20 INSURANCE COMPANY 2,)
21)
22 Defendant.)
23)
24)
25)
26)
27)
28)

29
30 **NOTICE TO ALL PARTIES, COUNSEL AND CLAIMANTS:**

31 The lien claimant, **LCSA** DEPARTMENT OF CHILD SUPPORT
32 SERVICES (hereinafter, "DCSS") hereby requests an order from the Workers' Compensation Appeals
33 Board (hereinafter "WCAB") authorizing payment of the child support lien from Applicant's settlement
34 award.
35

36 **FACTUAL SUMMARY**

37 On or about November 5, 1998, Applicant stipulated to pay child support in the case regarding
38 **PETITIONER V. RESPONDENT** in the amount of \$50.00 per month beginning

1 December 1, 1998 for her two children, CHILD #1 , born October 26, 1993 and CHILD
2 #2 , born October 29, 1994. This order was subsequently modified to \$402.00 per month beginning
3 May 1, 2004. DCSS has been enforcing this child support obligation against Applicant since May 1,
4 2006. To date, Applicant is in arrearages of \$10,013.21.

5
6 On February 10, 2011, DCSS signed a Notice and Request for Allowance of Lien, received by the
7 Sacramento WCAB on February 23, 2011, for a child support lien in the amount of \$3,219.43. Amended
8 liens were thereafter filed by DCSS and received by the Sacramento WCAB on December 16, 2011 for
9 \$6,416.03 and November 16, 2012 for \$7,003.03.

10 DCSS most recently appeared at the Sacramento WCAB on October 31, 2013 for a mandatory
11 settlement conference and met with both Applicant's attorney, Adam Counsel , and attorney James
12 Law from Defense Law Firm . At that time, both parties were advised by DCSS of the \$7,003.03
13 child support lien.
14

15 On or about October 20, 2014, DCSS received a copy of the Findings of Fact, Orders and Awards
16 With Opinion on Decision signed by Administrative Law Judge, Justice Fair , awarding Applicant
17 \$34,980.00, less attorney's lien and fees of \$3,861.61 and \$6,000.00, respectively. DCSS' child support
18 lien was not addressed. Proof of Service was dated October 15, 2014.
19

20 **POINTS AND AUTHORITIES**

21 **I.**

22 **DCSS' REQUEST FOR RECONSIDERATION IS TIMELY.**

23 Pursuant to California Labor Code section 5900(a), "Any person aggrieved directly or indirectly
24 by any final order, decision, or award made and filed by the appeals board or a workers' compensation
25 judge under any provision contained in this division, may petition the appeals board for reconsideration
26 in respect to any matters determined or covered by the final order, decision, or award, and specified in
27 the petition for reconsideration."
28

1 At any time within 20 days after the service of any final order, decision, or award made
2 and filed by the appeals board or a workers' compensation judge granting or denying
3 compensation, or arising out of or incidental thereto, any person aggrieved thereby may
petition for reconsideration upon one or more of the following grounds and no other:

- 4 (a) That by the order, decision, or award made and filed by the appeals board or the
workers' compensation judge, the appeals board acted without or in excess of its
5 powers.
6 (b) That the order, decision, or award was procured by fraud.
7 (c) That the evidence does not justify the findings of fact.
8 (d) That the petitioner has discovered new evidence material to him or her, which he
or she could not, with reasonable diligence, have discovered and produced at the
9 hearing.
10 (e) That the findings of fact do not support the order, decision, or award. . .
(California Labor Code Section 5903)

11 The Findings of Fact, Orders and Awards With Opinion on Decision was served by the WCAB on
12 DCSS on October 15, 2014. DCSS received notice of the Findings on October 20, 2014. DCSS is
13 otherwise timely in its request for reconsideration.

14 II.

15 CHILD SUPPORT LIEN WAS NOT RESOLVED.

16 On February 10, 2011, the Sacramento WCAB received a Notice and Request for Allowance of
17 Lien filed by DCSS for an unpaid child support lien. The original lien was then amended to \$6,416.03
18 and received by the Sacramento WCAB on December 16, 2011. On November 16, 2012, another
19 amended lien for \$7,003.03 was received. The child support lien was not addressed in Findings of Fact,
20 Orders and Awards With Opinion on Decision signed by Administrative Law Judge **Justice Fair** on
21 October 15, 2014.
22

23 CONCLUSION

24 Based upon the foregoing, DCSS respectfully requests that the WCAB issue an order requiring
25 payment of \$7,003.03 from Applicant's award for full satisfaction of the child support lien filed on
26 November 16, 2012. In the alternative, the undersigned requests a lien conference be set to address the
27 outstanding child support lien.
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Respectfully submitted,

FIRST NAME LAST NAME

Principal Attorney

DATED: October 29, 2014

By: Angela Stahl

FIRST NAME LAST NAME

Child Support Attorney