

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

IN RE: COVID-19 STATE OF EMERGENCY

EN BANC – NO. 9

Case No. MISC. NO. 268

Upon a unanimous vote of its members, the Appeals Board issues this decision as a whole as an en banc decision.¹ (Lab. Code, § 115.)

On March 4, 2020, the State of California's Governor, Gavin Newsom, declared a state of emergency in response to the spread of the novel coronavirus (now known as COVID-19).²

In response to the March 4, 2020 declaration of a state of emergency issued by Governor Newsom, and pursuant to WCAB Rule 10370 (Cal. Code Regs., tit. 8, § 10370), the Appeals Board issued *In Re: COVID-19 State of Emergency En Banc* (Misc. No. 260) on March 18, 2020, *In Re: COVID-19 State of Emergency En Banc* (Misc. No. 261) on April 6, 2020, and *In Re: COVID-19 State of Emergency En Banc* (Misc. No. 266) on December 15, 2020 in order to temporarily suspend specific WCAB Rules of Practice and Procedure.³

In Misc. No. 260, the Appeals Board temporarily suspended WCAB Rule 10500(b)(6) regarding witness signatures. In Misc. No. 261, the Appeals Board temporarily suspended WCAB Rule 10940(b) regarding electronic filing of documents with the Appeals Board. In Misc. No. 266, the Appeals Board temporarily suspended WCAB Rule 10789(c) regarding walk-through assignment hours. (Cal. Code Regs., tit. 8, §§ 10205.7(c), 10500(b), 10789(c), 10940(b).)

¹ En banc decisions of the Appeals Board are binding precedent on all Appeals Board panels and WCJs. (Cal. Code Regs., tit. 8, § 10325; *City of Long Beach v. Workers' Comp. Appeals Bd. (Garcia)* (2005) 126 Cal.App.4th 298, 316, fn. 5 [70 Cal.Comp.Cases 109]; *Gee v. Workers' Comp. Appeals Bd.* (2002) 96 Cal.App.4th 1418, 1424, fn. 6 [67 Cal.Comp.Cases 236].) This en banc decision is also adopted as a precedent decision pursuant to Government Code section 11425.60(b).

² Governor Newsom's proclamation may be accessed here: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>. (See Evid. Code, § 452(c).)

³ The Appeals Board previously issued Misc. No. 263 on July 15, 2020, Misc. No. 264 on October 27, 2020, Misc. No. 265 on October 27, 2020, and Misc. No. 267 on January 3, 2022. Those orders rescinded suspensions of other WCAB Rules, which were suspended by Misc. No. 260, 261, and 262. By this order, the Appeals Board rescinds all remaining rule suspensions.

On October 17, 2022, Governor Newsom announced that the state of emergency in response to COVID-19 would end as of February 28, 2023.

On February 28, 2023, Governor Newsom terminated the state of emergency.⁴

Accordingly, in light of the lifting of the state of emergency, we rescind all remaining provisions of en banc orders nos. 260, 261, and 266, effective as of the date of issuance of this decision.

⁴ <https://www.gov.ca.gov/wp-content/uploads/2023/02/COVID-SOE-Termination-Proclamation-2.28.23.pdf?emrc=1db54f>.

For the foregoing reasons,
IT IS SO ORDERED.

WORKERS' COMPENSATION APPEALS BOARD (EN BANC)

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ NATALIE PALUGYAI, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 22, 2023



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

abs

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