

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

MACARIA ALARCON, *Applicant*

vs.

**SUGAR FOODS CORPORATION; ZURICH AMERICAN
INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ7875889, ADJ8007951
Los Angeles District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

The Appeals Board has been advised that, while this matter has been pending on reconsideration, the Petition for Reconsideration of the decision issued on March 20, 2020 has been withdrawn by petitioner. Therefore, as our decision after reconsideration, we vacate our grant of reconsideration and dismiss the Petition for Reconsideration.

To be timely, a petition for reconsideration must be filed with (i.e., received by) the WCAB within 25 days from a “final” decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10615(b), 10940(a).) A petition for reconsideration of a final decision by a workers’ compensation administrative law judge must be filed in the Electronic Adjudication Management System (EAMS) or with the district office having venue. (Cal. Code Regs., tit. 8, § 10940(a).)

The Division of Workers’ Compensation (DWC) closed its district offices for filing as of March 17, 2020 in response to the spread of the novel coronavirus (COVID-19).¹ In light of the district offices’ closure, the Appeals Board issued an en banc decision on March 18, 2020 stating that all filing deadlines are extended to the next day when the district offices reopen for filing. (*In re: COVID-19 State of Emergency En Banc* (2020) 85 Cal.Comp.Cases 296 (Appeals Board en banc).) The district offices reopened for filing on April 13, 2020.² Therefore, the filing deadline

¹ The March 16, 2020 DWC Newline may be accessed here: <https://www.dir.ca.gov/DIRNews/2020/2020-18.html>.

² The April 3, 2020 DWC Newline regarding reopening the district offices for filing may be accessed here: <https://www.dir.ca.gov/DIRNews/2020/2020-29.html>.

for a petition for reconsideration that would have occurred during the district offices' closure was tolled until April 13, 2020. Here, petitioner filed its petition for reconsideration on April 13, 2020, and therefore, the petition was timely filed.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Opinion and Order Granting Reconsideration issued by the Workers' Compensation Appeals Board on June 10, 2020 is **VACATED** and the Petition for Reconsideration is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 18, 2022

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

**SAN DIEGO IMAGING DBA CALIFORNIA IMAGING SOLUTIONS
STOCKWELL HARRIS**

AS/ara

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