

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

**FELIX PINA, *Applicant***

**vs.**

**CITY OF HOPE NATIONAL MEDICAL CENTER, Permissibly Self-Insured;  
administered by ADMINSURE, INC., *Defendants***

**Adjudication Numbers: ADJ12156282; ADJ12156757; ADJ12156758  
Van Nuys District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION**

The Petition for Reconsideration of the decision issued on December 18, 2020 has been withdrawn by petitioner. Therefore, it will be dismissed.

We believe that “it is a fundamental principle of due process that a party may not be deprived of a substantial right without notice . . .” (*Shiple v. Workers' Comp. Appeals Bd.* (1992) 7 Cal.App.4th 1104, 1108 [57 Cal.Comp.Cases 493].) In *Shiple*, the Appeals Board denied applicant’s petition for reconsideration because the Appeals Board had not acted on the petition within the statutory time limits of Labor Code section 5909. The Appeals Board did not act on applicant’s petition because it had misplaced the file, through no fault of the parties. The Court of Appeal reversed the Appeals Board’s decision holding that the time to act on applicant’s petition was tolled during the period that the file was misplaced. (*Shiple, supra*, 7 Cal.App.4th at p. 1108.) Like the Court in *Shiple*, “we are not convinced that the burden of the system’s inadequacies should fall on [a party].” (*Shiple, supra*, 7 Cal.App.4th at p. 1108.) Therefore, considering that petitioner filed a timely Petition for Reconsideration on January 7, 2021 and that the WCAB’s failure to act was through no fault of petitioner, we find that our time to act on the Petition for Reconsideration is tolled.

Accordingly, we dismiss the Petition for Reconsideration.

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**July 9, 2021**

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

**FELIX PINA  
MICHAEL BURGIS & ASSOCIATES  
JMY LAW**

*pc*

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