

**WORKERS' COMPENSATION APPEALS BOARD**

**STATE OF CALIFORNIA**

**KEVIN KEENE, *Applicant***

**vs.**

**EPSILON ELECTRONICS;  
PEERLESS INDEMNITY INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ8855250**

**Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

Applicant seeks reconsideration of the April 5, 2022 Opinion and Order Dismissing Petition for Reconsideration. The Appeals Board dismissed applicant's Petition for Reconsideration of a December 20, 2021 decision by a workers' compensation administrative law judge (WCJ) because the decision was untimely.

Whether a petition is timely depends on when the petition was received by the district office rather than when the petition is mailed. The Appeals Board has no authority to consider or act upon an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1076 [65 Cal.Comp.Cases 650]; *Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1182; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984 [46 Cal.Comp.Cases 1008]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal.App.2d 545, 549 [27 Cal.Comp.Cases 73].)

If the Petition for Reconsideration of the December 20, 2021 decision had been filed timely, we would have denied it on the merits for the reasons stated in the WCJ in the Report and Recommendation on Petition for Reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Reconsideration of the April 5, 2022 Order is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ MARGUERITE SWEENEY, COMMISSIONER**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**



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

**June 21, 2022**

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

**KEVIN KEENE  
LARSON LARSON & DAUER  
LAW OFFICES OF KIRK & MYERS**

**MWH/oo**

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