

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

SHERRY BRAZIL, *Applicant*

vs.

**SAN MATEO COUNTY TRANSIT DISTRICT, PERMISSIBLY SELF-INSURED,
ADMINISTERED BY THE CITIES GROUP, *Defendants***

**Adjudication Number: ADJ6831983
San Francisco District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Applicant seeks reconsideration of our April 11, 2023 Opinion and Order Granting Petition for Reconsideration and Decision After Reconsideration (O&O), wherein we determined that service of our prior decision of December 14, 2022 was not fully effectuated, and that due process required that we rescind and reissue the decision.

Applicant contends we erred in rescinding and reissuing our O&O, because defendant's petition for reconsideration was untimely and successive.

We have received defendant's Answer.

We have considered the allegations of applicant's Petition for Reconsideration and the Answer. We observe that on April 7, 2023, defendant filed a Petition for Writ of Review pursuant to Labor Code section 5950 with the California Court of Appeal, in the First Appellate District. Among the issues raised in defendant's petition was the timeliness of its petition for writ of review, based on defendant's allegation of incomplete service of our December 14, 2022 O&O. (Defendant's Petition for Writ of Review, dated April 7, 2023, at p. 19.) We defer to the Court of Appeal as to whether defendant's Petition for Writ of Review was timely.

Based on our review of the record, applicant's Petition for Reconsideration has been rendered moot by the April 7, 2023 Petition for Writ of Review filed by defendant, and we will dismiss the petition accordingly.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 16, 2023

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

**SHERRY BRAZIL
JONES CLIFFORD LLP
AGM LAW OFFICES**

SAR/abs

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