

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

**ASHLEY LLARENA, *Applicant***

**vs.**

**CITY AND COUNTY OF SAN FRANCISCO, *Defendants***

**Adjudication Number: ADJ13511791  
Oakland District Office**

**OPINION AND ORDER  
DENYING PETITION  
FOR REMOVAL**

We have considered the allegations of applicant's Petition for Removal, defendant's answer and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record and for the reasons discussed below, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020).) Here, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

To the extent applicant seeks reappointment of this matter to another WCJ, her Petition is not a proper petition for disqualification per section 5311 and WCAB Rule 10960. (Lab. Code, § 5311; Cal. Code Regs., tit. 8, former § 10452, now § 10960 (eff. Jan. 1, 2020).)

Therefore, we will deny applicant's Petition.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Removal of the Finding and Order (Replacement QME – Represented) issued by the WCJ on December 23, 2020 is **DENIED**.

**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**

**March 15, 2021**

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

**ASHLEY LLARENA  
CITY AND COUNTY OF SAN FRANCISCO  
PACIFIC WORKERS**

***AI/pc***

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