

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

**TAYLOR SHUEY, *Applicant***

**vs.**

**CITY OF REDLANDS POLICE DEPARTMENT; ADMINSURE, *Defendants***

**Adjudication Number: ADJ14242860  
Marina del Rey District Office**

**OPINION AND ORDER  
GRANTING PETITION FOR REMOVAL  
AND DECISION AFTER REMOVAL**

Defendant seeks removal of the August 19, 2021 Order Denying Defendant's Petition for Change of Venue issued by the presiding workers' compensation administrative law judge (PWCJ).

Defendant contends that the PWCJ erred in denying the Petition for Change of Venue, arguing that, because defendant objected within 30 days of the filing of the Application for Adjudication of Claim in ADJ13630518, the PWCJ was required to change venue to the Riverside Board in ADJ13630518.

The WCJ issued a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal. We have considered the Petition for Removal and the contents of the Report, and we have reviewed the record in this matter. For the reasons discussed below, we will grant removal, rescind the Order, and return the matter to the PWCJ to conduct further proceedings.

We will briefly review the relevant facts. An Application for Adjudication of Claim was filed on February 11, 2021. The District Office served the Employer's third-party administrator with the application by mail on February 12, 2021. In a Petition for Change of Venue dated March 2, 2021, defendant objected to venue based on applicant's attorney's place of business. The adjudication file in the Electronic Adjudication Management System (EAMS) reflects that the March 2, 2021 petition was filed on August 12, 2021. In a verified Petition for Removal, defendant

asserts that it sent the petition by certified mail and that a post office confirmation indicates that defendant's petition was received by the WCAB on March 11, 2021.

The PW CJ denied the Petition for Change of Venue for the following reasons:

- (X) The petition is untimely under Labor Code Section 5501.5
- (X) The petition presents insufficient evidence to support a change of venue pursuant to Labor Code Section 5501.6.
- (X) Other: AdminSure was served with a Notice of Application 2/12/2021

Labor Code section 5501.5(a) sets forth those locations where an application for adjudication of claim may be filed: 1) the county where the injured employee or the dependent of a deceased employee resides, 2) the county where the injury allegedly occurred, and 3) the county where the employee's attorney maintains his or her principal place of business. Subdivision (b) provides that, if the county has more than one WCAB office, the application shall be filed at any location that meets the criteria in subdivision (a), and that the written consent of the employee, or dependent of a deceased employee, to the selected venue shall be filed with the application.

Section 5501.5(c) provides that, if the employer objects to venue selected on the basis of the employee's attorney's principal place of business, within 30 days of receipt of the information request form, then the application shall be filed pursuant to the first two paragraphs of subdivision (a), i.e., in the county where the employee, or dependent of a deceased employee, resides or where the injury allegedly occurred. WCAB Rule 10488 provides that, in order to timely object to venue based on an applicant's attorney's principal place of business, an employer must file an objection, pursuant to Section 5501.5(c) within 30 days from "receipt" of notice of an ADJ number and venue.

In this case, given that defendant asserted, in a verified Petition for Removal that it attempted to file the Petition for Change of Venue by mail on March 2, 2021, defendant should be allowed to provide additional evidence related to its attempt to file the petition. Therefore, we will grant removal, rescind the August 19, 2021 Order, and return this matter to the trial level for the PW CJ to determine if defendant's Petition for Change of Venue was filed within 30 days of the employer's receipt of the Notice of Application.

For the foregoing reasons,

**IT IS ORDERED** that defendant's Petition for Removal of the August 19, 2021 Order is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Removal of the Appeals Board that the August 19, 2021 Order is **RESCINDED** and the matter is returned to the trial level for the presiding workers' compensation administrative law judge to hold further proceedings and issue a new decision.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ DEIDRA E. LOWE, COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

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



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

**NOVEMBER 12, 2021**

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

**C ROBERT BAKKE  
GORDON EDELSTEIN  
TAYLOR SHUEY**

**MWH/oo**

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

CS