

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

CHRISTINA BRUCE, *Applicant*

vs.

COUNTY OF KERN SHERIFF'S DEPARTMENT, *Defendant*

**Adjudication Number: ADJ9682785
Bakersfield District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On October 14, 2022, a workers' compensation administrative law judge (WCJ) issued an "Order Allowing Penalty." On November 3, 2022, defendant filed a Petition for Reconsideration in response to the decision. On November 7, 2022, the WCJ issued an "Order Rescinding Order Allowing Penalty" and then issued an "Amended Order Allowing Penalty."

WCAB Rule 10961 (Cal. Code Regs., tit. 8, § 10961) provides that jurisdiction remains with the district office for 15 days after the timely filing of a petition for reconsideration and sets forth the following actions that a WCJ may take in response: (1) The WCJ may prepare a report and transfer jurisdiction to the Appeals Board to address the merits of the petition (Cal. Code Regs., tit. 8, § 10961(a); see Cal. Code Regs., tit. 8, § 10962); (2) The WCJ may rescind the entire order, decision or award and initiate proceedings within 30 days (Cal. Code Regs., tit. 8, § 10961(b)); or (3) The WCJ may rescind the order, decision or award and issue an amended order, decision or award, and a new petition for reconsideration must be filed in response to the amended order, decision or award (Cal. Code Regs., tit. 8, § 10961(c)).

Consequently, if the order, decision or award is rescinded pursuant to subdivision (b) or subdivision (c) within the 15-day period wherein the WCJ retains jurisdiction, the original petition is deemed moot because the order, decision or award that is the subject of the petition no longer exists. Accordingly, under those circumstances, it is not necessary to prepare a report or transfer jurisdiction to the Appeals Board to issue an order with respect to the petition.

Here, the WCJ rescinded the original order and issued an amended order within the 15-day period, rendering the Petition moot. Since jurisdiction has been transferred to the Appeals Board, the Petition for Reconsideration will be dismissed.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 15, 2022

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

**CHRISTINA BRUCE
GHITTERMAN, GHITTERMAN & FELD
HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

AS/ara

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