

**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  
DISMISSING PETITION FOR  
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, the petition is untimely and must be dismissed.

There are 20 days allowed within which to file a petition for reconsideration from a "final" decision. (Lab. Code, §§ 5900(a), 5903.) This time is extended by 5 calendar days if service is made to an address within California or 10 calendar days if service is made to an address outside of California but within the United States. (Cal. Code Regs., tit. 8, § 10605(a)(1).) While applicant and his attorney received service of the decision within California, defendant was served at an address outside of California.

In this case, the WCJ issued the decision on December 20, 2021. Based on the authority cited above, applicant had until Friday, January 14, 2022 or, if the time to file is extended by 10 days, until Wednesday, January 19, 2022 to seek reconsideration in a timely manner. The record here shows that applicant's petition is date stamped received on February 3, 2022 making it untimely and subject to dismissal. Moreover, even if we were to use the crossed-out date stamp of January 31, 2022 for which there is no explanation in the record, the petition would still be untimely.

For the foregoing reasons,

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

**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**

**APRIL 5, 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, ALC.  
LAW OFFICES OF KIRK & MYERS**

**PAG/ara**

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