

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

GLORIA LETICIA GONZALEZ, *Applicant*

vs.

**MACY'S CORPORATE SERVICES, LLC, PERMISSIBLY SELF-INSURED;
ADMINISTERED BY SEDGWICK, *Defendants***

**Adjudication Numbers: ADJ14200882; ADJ14200884
Los Angeles District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

We have considered the allegations of the Petition for Removal 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 based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report, 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, § 10955(a); 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, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, 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.

Contrary to defendant's assertion in its Petition that the WCJ should have continued the status conference to a further status conference, it was within the WCJ's discretion to take the matter off calendar. (See Cal. Code Regs., tit. 8, § 10745.) The parties retain the right to file a new

Declaration of Readiness to Proceed requesting a hearing after genuine, good faith efforts to resolve the dispute. (See Cal. Code Regs., tit. 8, § 10742.) Defendant Macy's, and its attorneys Anthony J. Macauley and Kegel, Tobin & Truce, APC, are admonished that filing a petition for removal without a reasonable basis causes further delay and wastes the scarce resources of the Appeals Board.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 26,2023

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

**GLORIA LETICIA GONZALEZ
AKHAVAN LAW GROUP
KEGEL, TOBIN & TRUCE, APC
FLOYD SKEREN MANUKIAN LANGEVIN, LLP**

AS/mc

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