

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

LAKEISHA BRAXTON, *Applicant*

vs.

**LONG BEACH TRANSIT, Permissibly Self-Insured,
ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Number: ADJ8216789
Los Angeles District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On December 20, 2022, a workers' compensation administrative law judge (WCJ) issued orders that the matter would be submitted on January 4, 2023, and as appropriate, referred to the Disability Evaluation Unit (DEU) for a formal rating on January 13, 2023. On December 16, 2022, defendant filed a "Petition for Reconsideration and To Set Aside The DEU Rating Dated [*sic*] and Request for New Rating." On December 28, 2022, the WCJ issued an "Order Vacating Submission" and rescinded the December 20, 2022 orders.

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Consequently, if the order, decision or award is rescinded pursuant to subdivision (b) or subdivision (c) within the 15-day period wherein the WCJ retains jurisdiction, the original petition is deemed moot because the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Here, the WCJ rescinded the original orders and issued an order vacating within the 15-day period, rendering the Petition moot.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 A. ZALEWSKI, CHAIR

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSEPH A. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 13, 2023

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

**LAKEISHA BRAXTON
LAW OFFICES OF JOHN HERNANDEZ
THE OAKS LAW GROUP, INC.**

AS/ara

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