

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

ENRIQUE MEDINA, *Applicant*

vs.

POMONA UNIFIED SCHOOL DISTRICT, permissibly self-insured, *Defendant*

**Adjudication Numbers: ADJ15605512; ADJ15605513
Marina Del Rey District Office**

**OPINION AND ORDER
DISMISSING 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 for the reasons stated below, we will dismiss the petition as moot because it seeks review of an order which was subsequently amended.

On February 24, 2022, the WCJ issued a Joint Order Denying Petition for Change of Venue ("Original Order"), indicating that venue was proper at the Marina Del Rey District Office in both cases pursuant to Labor Code section 5501.5¹ because of applicant's alleged residence in Los Angeles County.

Subsequently, on March 9, 2022, the WCJ issued an Amended Joint Order Denying Petition for Change of Venue ("Amended Order"), noting that the initial order had erroneously misstated the county in which applicant resided, but finding venue in the Marina Del Rey office still proper because the injury occurred in Los Angeles County, another basis for venue pursuant to section 5501.5.

On March 18, 2022, defendant filed this Petition for Removal, seeking removal of the Original Order, alleging that applicant was not in fact resident in Los Angeles County and therefore that its request for a change of venue should have been granted.² No mention of the Amended

¹ Further references are to the Labor Code unless otherwise specified.

² The Petition for Removal is dated March 8, 2022, but was not actually received and filed until March 18, 2022.

Order is made in the Petition for Removal, and defendant has not subsequently attempted to either file a new petition, or sought to file a supplemental petition addressing the Amended Order.

Given the above, we find that defendant's Petition for Removal is moot because it relates to an order that was subsequently amended. Moreover, we note that the Amended Order provides an alternate basis for venue in Marina Del Rey that does not appear to be called into question by any of the allegations made in the petition.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal is **DISMISSED** as moot.

WORKERS' COMPENSATION APPEALS BOARD

/s/ MARGUERITE SWEENEY, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 25, 2022

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

**ENRIQUE MEDINA
GORDON, EDELSTEIN, KREPACK ET AL.
DOMINGO ELIAS & VU APLC**

AW/ara

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