

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

MICHAEL GARCIA, *Applicant*

vs.

**CITY OF SEASIDE, Permissibly Self-Insured; administered by YORK RISK SERVICES,
*Defendants***

**Adjudication Number: ADJ13458859
Salinas 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 petition and the record, we note that defendant does not challenge any of the findings made by the WCJ's December 1, 2021 Findings of Fact. Rather, defendant challenges statements made in the Opinion on Decision. However, statements in an Opinion on Decision are not findings of fact. Instead, their purpose is to explain the basis for the decision. (Lab. Code, 5313.) Therefore, having not raised any issue with the Findings of Fact, defendant is not aggrieved and the petition 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/ DEIDRA E. LOWE, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 18, 2022

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

**MICHAEL GARCIA
MACINTYRE & WHITE
BRITTANY B. HUYNH**

PAG/pc

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