

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

JESUS GONZALEZ CRUZ, *Applicant*

vs.

L&S FRAMING, INC.; ZURICH AMERICAN INSURANCE COMPANY, *Defendants*

**Adjudication Number: ADJ13593933
Sacramento District Office**

**OPINION AND ORDERS
DENYING PETITIONS
FOR REMOVAL**

We have considered the allegations of applicant's Petitions for Removal and the contents of the reports of the workers' compensation administrative law judge (WCJ) with respect thereto.¹ Based on our review of the record, we will deny both Petitions.

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, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020); 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, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020).) Here, 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.

Applicant's attorney is reminded that parties and their representatives are expected to act with respect towards the judges. (See e.g., Cal. Code Regs., tit. 8, former § 10561(b)(9), now § 10421(b)(9) (eff. Jan. 1, 2020); see also Bus. & Prof. Code, § 6068(b).)

¹ Applicant filed two Petitions for Removal: the first challenging the May 13, 2021 order of submission and the second challenging the Findings and Orders served on the parties on June 11, 2021. The WCJ issued reports in response to each Petition.

Therefore, we will deny applicant's Petitions for Removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal of the Order issued by the WCJ on May 13, 2021 is **DENIED**.

IT IS FURTHER ORDERED that applicant's Petition for Removal of the Findings and Orders issued by the WCJ on June 11, 2021 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

SEPTEMBER 1, 2021

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

**COLANTONI COLLINS MARREN PHILLIPS & TULK
JESUS GONZALEZ CRUZ
LAW OFFICE OF FERNANDO VARGAS**

AI/pc

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