

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

**JAMES WOLTER, *Applicant***

**vs.**

**CHRISTOPHER JOHN WEITZ, NAN MELTZER  
DESIGN BUILD; LWP CLAIMS, *Defendants***

**Adjudication Number: ADJ10684591  
Oxnard 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 record, the petition is untimely and must be dismissed.

There are 25 days allowed within which to file a petition for reconsideration from a "final" decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(a)(1).) This time limit is extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10600.) To be timely, however, a petition for reconsideration must be filed with (i.e., received by) the WCAB within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10940(a), 10615(b).)

This time limit is jurisdictional and, therefore, the Appeals Board has no authority to consider or act upon an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1076 [65 Cal.Comp.Cases 650]; *Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1182; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984 [46 Cal.Comp.Cases 1008]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal.App.2d 545, 549 [27 Cal.Comp.Cases 73].)

In this case, the WCJ issued the Order Suspending Right to Maintain Proceedings for the Collection of Compensation and Order Barring Benefits on July 27, 2022, serving it on all parties of record but failing to serve it on applicant who is in pro per. However, defense counsel Haight Brown served it on applicant on August 8, 2022. (Proof of Service, 8/8/22, EAMS Doc *Id* # 4259608ef.) Based on the authority cited above, applicant had until Friday, September 2, 2022 to file a Petition for Reconsideration. Therefore, the Petition for Reconsideration filed on September 19, 2022 is untimely and must be dismissed.

We encourage applicant to contact the Oxnard District Office, Information and Assistance Unit if he has any questions regarding his claim. The Information and Assistance Unit can be reached at 1901 N Rice Ave, Ste 200, Oxnard, CA 93030-7912, (805) 485-3528.

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/ MARGUERITE SWEENEY, COMMISSIONER**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**November 18, 2022**

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

**JAMES WOLTER, IN PRO PER  
BUTLER LAW  
CHRISTOPHER JOHN WEITZ,  
HAIGHT BROWN & BONESTEEL  
HINSHAW CULBERTSON  
LWP CLAIMS  
NAN MELTZER DESIGN BUILD, INC.  
OFFICE OF THE DIRECTOR-LEGAL UNIT (LOS ANGELES)**

**PAG/abs**

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