

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

TERESA MENDEZ, *Applicant*

vs.

**VILLAGE MANAGEMENT SERVICES, INC.;
SAFETY NATIONAL INSURANCE, ADMINISTERED BY TRISTAR, *Defendants***

**Adjudication Number: ADJ15474722; ADJ15474723
Los Angeles 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reasons stated below, we will dismiss the petition as moot because it seeks review of an order which was subsequently superseded.

On December 12, 2022, applicant filed a Petition for Removal from the order of the Workers' Compensation Administrative Law Judge setting the matter for trial on "AOE/COE and panel QME issues." (Minutes of Hearing, dated November 22, 2022.)

On January 23, 2023, the parties stipulated to the issuance of a new panel of orthopedic Qualified Medical Evaluators (QMEs). (Minutes of Hearing, dated January 23, 2023.) The WCJ issued an order to the DWC Medical Unit for the issuance of a replacement QME panel. (Finding and Order re: Replacement Panel (Represented), dated January 23, 2023.) The matter was then ordered taken off calendar, with a notation that the "issue of AOE/COE is still at the recon unit." (Minutes of Hearing, dated January 23, 2023.)

We note that the relief requested in applicant's Petition for Removal was additional discovery. The petition was not an appeal from an adverse determination with respect to injury arising out of and in the course of employment (AOE/COE). Accordingly, we do not decide the issue of injury AOE/COE herein, nor will we disturb the WCJ's order taking this matter off calendar. Upon the completion of discovery, either party may thereafter return this matter to

calendar by the filing of a Declaration of Readiness to Proceed to Mandatory Settlement Conference.

Accordingly, applicant's Petition for Removal has been rendered moot and will be dismissed.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 25, 2023

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

**TERESA MENDEZ
LEVIN & NALBANDYAN
ADELSON MCLEAN**

SAR/abs

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