

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

VERNEEDA WILSON, *Applicant*

vs.

**COUNTY OF LOS ANGELES, presumably self-insured;
administered by SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ1428798
Los Angeles District Office**

**OPINION AND ORDER
DENYING PETITIONS
FOR REMOVAL**

We have considered the allegations of separately filed Petitions for Removal dated July 12, 2023, and July 24, 2023, as well as the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report, we will deny removal.

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, § 10955(a); 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, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, 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.

For the foregoing reasons,

IT IS ORDERED that Lien Claimant's Petition for Removal of the decision issued on July 6, 2023 is **DENIED**.

IT IS FURTHER ORDERED that defendant's Petition for Removal of the decision issued on July 6, 2023 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

November 29, 2023

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

**DAVID SILVER, MD, LIEN CLAIMANT
DAN ESCAMILLA, LEGAL SERVICE BUREAU
MICHAEL P. BARNARD, ESQ.
OFFICE OF THE COUNTY COUNSEL**

AS/mc

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