

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

3
4 **Case No. MISC. NO. 263**

5 **IN RE: COVID-19 STATE OF EMERGENCY**

6 **EN BANC – NO. 4**
7

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9 Upon a unanimous vote of its members,¹ the Appeals Board issues this decision as a whole as an
10 en banc decision.² (Lab. Code, § 115.)

11 On March 18, 2020, the Appeals Board issued our decision In Re: COVID-19 State of Emergency
12 En Banc (Misc. No. 260) in response to the March 4, 2020 declaration of a state of emergency issued by
13 the State of California's Governor, Gavin Newsom,³ and pursuant to WCAB Rule 10370. (Cal. Code
14 Regs., tit. 8, § 10370.) The Appeals Board temporarily suspended specific WCAB Rules of Practice and
15 Procedure in its decision including WCAB Rules 10961(a), 10962(c), 10990(f)(3)(E), and 10995(c)(3).
16 (Cal. Code Regs., tit. 8, former §§ 10860, 10865, 10866, now §§ 10961(a), 10962(c), 10990(f)(3)(E),
17 10995(c)(3) (eff. Jan. 1, 2020).) Pursuant to this suspension, workers' compensation judges (WCJs) and
18 arbitrators were provided with an unlimited extension of time within which to issue reports in response to
19 petitions for reconsideration, removal or disqualification.

20 The Appeals Board hereby rescinds its suspension of WCAB Rules 10961(a), 10962(c),
21 10990(f)(3)(E), and 10995(c)(3) as of September 1, 2020. These Rules will become effective again with
22 respect to petitions filed on or after September 1, 2020.

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24 ¹ Commissioner Gaffney was unavailable and did not participate in this decision.

25 ² En banc decisions of the Appeals Board are binding precedent on all Appeals Board panels and WCJs. (Cal. Code Regs.,
26 tit. 8, former § 10341, now § 10325 (eff. Jan. 1, 2020); *City of Long Beach v. Workers' Comp. Appeals Bd. (Garcia)* (2005) 126
27 Cal.App.4th 298, 316, fn. 5 [70 Cal.Comp.Cases 109]; *Gee v. Workers' Comp. Appeals Bd.* (2002) 96 Cal.App.4th 1418, 1424,
fn. 6 [67 Cal.Comp.Cases 236].) This en banc decision is also adopted as a precedent decision pursuant to Government Code
section 11425.60(b).

³ Governor Newsom's proclamation may be accessed here: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>. (See Evid. Code, § 452(c).)

1 Suspension of the other Rules as outlined in the March 18, 2020 en banc decision remains in effect
2 until further notice.

3 For the foregoing reasons,

4 **IT IS SO ORDERED.**

5
6 **WORKERS' COMPENSATION APPEALS BOARD (EN BANC)**

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

8
9 **/s/ DEIDRA E. LOWE, COMMISSIONER**

10 **/s/ MARGUERITE SWEENEY, COMMISSIONER**

11
12 **/s/ JOSÉ H. RAZO, COMMISSIONER**

13
14 **/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

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16 **/s/ CRAIG SNELLINGS, COMMISSIONER**



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

22 **July 16, 2020**

23
24
25 **abs**

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

26
27 **IN RE: COVID 19 STATE OF EMERGENCY – NO. 4**