

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

**SACARIAS MENDEZ, TOMAS MENDEZ, PEDRO MENDEZ,
LAZARO LOPEZ, FRANCISCO MENDEZ, *Applicants***

vs.

**BETTER LIVING SO. CAL GROUP CORP.; MED-CENTURY
INSURANCE CO., FARMERS INSURANCE *Defendants***

**Adjudication Number: ADJ12924233 (MF), ADJ12881283; ADJ12881284;
ADJ12883225; ADJ12883276
Santa Ana District Office**

**OPINION AND ORDER
DENYING 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 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, 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, 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 the Petition for Removal is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 23, 2021

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

**SACARIAS MENDEZ C/O THE LAW OFFICES OF ROBERT OZERAN
TOMAS MENDEZ C/O THE LAW OFFICES OF ROBERT OZERAN
PEDRO MENDEZ C/O THE LAW OFFICES OF ROBERT OZERAN
FRANCISCO MENDEZ C/O THE LAW OFFICES OF ROBERT OZERAN
LAZARO LOPEZ
THE LAW OFFICES OF ROBERT OZERAN
STRATMAN, SCHWARTZ & WILLIAMS-ABREGO**

PAG/ara

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