

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

ASHLEY LUNA, *Applicant*

vs.

**MACY'S WEST STORES, INC., Permissibly Self-Insured, administered by SEDGWICK
CMS, *Defendants***

**Adjudication Number: ADJ10062061
Van Nuys District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Applicant's attorney, on his own behalf, has filed a Petition for Reconsideration of the January 26, 2022 Findings of Fact and Order Releasing Funds Withheld issued by the workers' compensation administrative law judge (WCJ). We have considered the allegations of the Petition for Reconsideration and the contents of the WCJ's report with respect thereto. Based on our review of the record, the petition will be dismissed for applicant's attorney failure to comply with WCAB rule 10842.

WCAB rule 10842 states:

All requests for an increase in attorney's fee shall be accompanied by proof of service on the applicant of written notice of the attorney's adverse interest and of the applicant's right to seek independent counsel. Failure to notify the applicant may constitute grounds for dismissal of the request for increase in fee. (Cal. Code Regs., tit. 8, § 10842.)

We see no evidence that applicant's attorney has served written notice on his client regarding his adverse interest in seeking an increase in attorney's fees or of applicant's right to seek independent counsel. Therefore, we will dismiss applicant's attorney petition.

If we were not dismissing the petition for failure to comply with WCAB rule 10842, we would have denied it on the merits for the reasons stated in the WCJ's report.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ DEIDRA E. LOWE, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 18, 2022

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

**ASHLEY LUNA
LAW OFFICES OF ALI AZARAKHSH
GOLDMAN, MAGDALIN & KRIKES**

PAG/pc

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