

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

LIDIA G. DURAN, *Applicant*

vs.

**HORIZON PERSONNEL SERVICES;
HARTFORD FIRE INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ15412012
Marina del Rey District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the associate chief workers' compensation administrative law judge (ACWCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the ACWCJ's report, which we adopt and incorporate, we will grant reconsideration, rescind the WCJ's decision, and return this matter to the trial level. This is not a final decision on the merits of any issues raised in the petition and any aggrieved person may timely seek reconsideration of the new decision.

For the foregoing reasons,

IT IS ORDERED that reconsideration of the decision of August 21, 2023 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the decision of August 21, 2023 is **RESCINDED** and that the matter is **RETURNED** to the trial level.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 31, 2023

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

**LIDIA G. DURAN
HINDEN & BRESLAVSKY
ALBERT & MACKENZIE**

AS/cs

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

**REPORT AND RECOMMENDATION IN ABSENCE OF
WORKERS' COMPENSATION JUDGE ON PETITION FOR RECONSIDERATION**

I.

INTRODUCTION

Applicant LIDIA G DURAN filed an Application for Adjudication of Claim alleging injury on October 9, 2020 to her back, arm, hips, knee and leg while employed as a packer at Carson, California by HORIZON PERSONEL SERVICES who was insured for workers' compensation insurance by HARTFORD. An Order Dismissing Case issued August 21, 2023 and was served on all parties by Defendant on August 24, 2023. The service of the order dismissing was delegated to defendant rather than the WCAB serving the order as is required by *Title 8, Cal. Code of Regulations* section 10628(a). Applicant filed a timely and verified Petition for Reconsideration on September 1, 2023.

The judge who signed the order retired August 31, 2023 and based upon a review of the history and since service of a final order was delegated to a party to serve, it is the recommendation of the undersigned judge that the commissioners grant reconsideration, rescind the order dismissing case dated August 21, 2023 and return the case to the Marina del Rey office to handle further issues related to this case.

DATE: 10/26/2023

Jamie Spitzer

ASSOCIATE CHIEF JUDGE FOR THE SOUTH