

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

RICHARD SMITH, *Applicant*

vs.

**HENDRICKSON TRUCKING, INC.; CHARTIS INSURANCE COMPANY,
administered by AIG CLAIMS SERVICES, *Defendants***

**Adjudication Number: ADJ7192587
San Bernardino District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On January 21, 2021, applicant, in pro per, filed 71 pages of largely unintelligible handwritten notes which we will treat as a Petition for Reconsideration of our June 24, 2019 Opinion and Order Dismissing Petition for Reconsideration and Dismissing Petition for Removal.

Based on our review of the record, the petition is successive and will be dismissed.

It is well settled that where a party fails to prevail on a petition for reconsideration, the Appeals Board will not entertain a successive petition by that party unless the party is newly aggrieved. (*Goodrich v. Industrial Acc. Com.* (1943) 22 Cal.2d 604, 611 [8 Cal.Comp.Cases 177]; *Ramsey v. Workmen's Comp. Appeals Bd.* (1971) 18 Cal.App.3d 155, 159 [36 Cal.Comp.Cases 382]; *Crowe Glass Co. v. Industrial Acc. Com. (Graham)* (1927) 84 Cal.App. 287, 293-295 [14 I.A.C. 221].) As stated in our en banc opinion in *Navarro v. A & A Framing* (2002) 67 Cal.Comp.Cases 296, 299 (Appeals Board en banc):

The general rule is that where a party has filed a petition for reconsideration with the Board, but the party does not prevail on that petition for reconsideration, the petitioning party cannot attack the [Appeal's] Board's action by filing a second petition for reconsideration; rather, the petitioning party must either be bound by the [Appeals] Board's action or challenge it by filing a timely petition for writ of review.

If applicant wished to challenge our June 24, 2019 decision, it would have been appropriate for him to seek a writ of review from the Court of Appeal. It is improper for applicant to file multiple petitions for reconsideration that attempt to relitigated issues that have been finally determined against him. Accordingly, the current petition for reconsideration will be dismissed as successive.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ PATRICIA A. GARCIA, DEPUTY COMMISSIONER

DEIDRA E. LOWE, COMMISSIONER
PARTICIPATING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 22, 2021

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

**RICHARD SMITH
LAUGHLIN, FALBO, LEVY & MORESI**

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