

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

**LILLIAN TORRES, *Applicant***

**vs.**

**ROBERT FERGUSON DDS; EMPLOYER'S PREFERRED INSURANCE CO., *Defendant***

**Adjudication Number: ADJ10065073  
San Jose District Office**

**OPINION AND ORDER  
DISMISSING 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 dismiss removal.

No non-final order subject to removal related to defendant's request for an in-person trial has issued in this case. Accordingly, we find that defendant is not aggrieved. This case should proceed to trial, which is currently set on July 15, 2021. At that time the trial judge may consider defendant's request in light of *Gao v. Chevron* (2021) 86 Cal.Comp.Cases 44 (Significant Panel Decision).

For the foregoing reasons,

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

**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**

**June 24, 2021**

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

**LILLIAN TORRES  
ROBERT BLEDSOE  
HANNA BROPHY**

**PAG/pc**

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