

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

**FELIPE MARTINEZ, *Applicant***

**vs.**

**COUNTY OF ORANGE, permissibly self-insured,  
administered by SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ11411398  
Santa Ana District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration 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 for the reasons stated below, we will dismiss the petition.

This matter falls within the Alternative Dispute Resolution (ADR) process under Labor Code section 3201.5.<sup>1</sup> Section 3201.5(a) limits the Appeals Board's review to final orders, decisions, or awards in the same manner as provided for reconsideration. (Lab. Code, § 3201.5(a).) Final issues include, but are not limited to, the following: injury arising out of and in the course of employment, jurisdiction, the existence of an employment relationship and statute of limitations issues. (See *Capital Builders Hardware, Inc. v. Workers' Comp. Appeals Bd. (Gaona)* (2016) 5 Cal.App.5th 658, 662 [81 Cal.Comp.Cases 1122].) In this case, the WCJ's decision denying the petition to disqualify the independent medical evaluator (IME) is a non-final order. Accordingly, the petition is premature and subject to dismissal.

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<sup>1</sup> All further statutory references are to the Labor Code, unless otherwise noted.

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ MARGUERITE SWEENEY, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**September 27, 2022**

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

**FELIPE MARTINEZ  
CHRISLIP & HERVATIN  
STANDER REUBENS THOMAS KINSEY**

**PAG/abs**

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