

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

FARIDA MAL, *Applicant*

vs.

**FAMILY HEALTH CENTERS OF SAN DIEGO; REDWOOD FIRE and CASUALTY
INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ14629670
San Diego District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
DISQUALIFICATION**

We have considered the allegations of the Petition for Disqualification 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 the petitioner's arguments in the WCJ's report, we will dismiss the Petition for Disqualification.

WCAB Rule 10960 provides that when the WCJ and "the grounds for disqualification" are known, a petition for disqualification "shall be filed not more than 10 days after service of notice of hearing or after grounds for disqualification are known."

Here, applicant's petition was filed on February 13, 2024, over 10 days from the last trial date of January 22, 2024 upon which applicant complains.

Accordingly, we will dismiss the petition as untimely to the extent it seeks to disqualify the WCJ.

Had the petition been timely filed, however, as noted by the WCJ in her report, the petition does not set forth facts, declared under penalty of perjury, that are sufficient to establish disqualification pursuant to Labor Code section 5311, WCAB Rule 10960, and Code of Civil Procedure section 641(f) and/or (g).

To the extent that the petition filed by applicant indicates she wishes to withdraw her case and give up her rights to further pursue the claim, we recommend that the WCJ return this matter

to the calendar for further proceedings in order to hold a hearing with respect to applicant's request to dismiss the case.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 2, 2024

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

**FARIDA MAL
MICHAEL SULLIVAN & ASSOCIATES**

LAS/ara

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