

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

APRIL PREMO WILLIAMS, *Applicant*

vs.

**THE HOME DEPOT, permissible self-insured, administered by
HELMSMAN MANAGEMENT SERVICES, *Defendants***

**Adjudication Numbers: ADJ2875706
Lodi District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR DISQUALIFICATION**

Applicant seeks disqualification of the workers' compensation administrative law judge (WCJ) based upon various allegations that the WCJ is generally biased. Applicant's petition is not verified.

We have received an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Disqualification (Report) recommending that we deny disqualification.¹

We have considered the allegations of the Petition for Disqualification and the contents of the WCJ's Report. Based on our review of the record and based upon the WCJ's analysis of the merits contained in the WCJ's Report, we will dismiss the Petition for Disqualification as it does not contain a supporting affidavit or verified declaration, and it fails to adequately state grounds for disqualification. We defer to the trial level any proceedings as to disqualification of defense counsel.

Labor Code² section 5311 provides that a party may seek to disqualify a WCJ upon any one or more of the grounds specified in Code of Civil Procedure section 641. (§ 5311; see also Code Civ. Proc., § 641.) Among the grounds for disqualification under section 641 are that the

¹ Commissioner Lowe was on the panel that issued the prior order dismissing petition for disqualification. Commissioner Lowe no longer serves on the Appeals Board. A new panel member has been substituted in her place.

² All future references are to the Labor Code unless noted.

WCJ has “formed or expressed an unqualified opinion or belief as to the merits of the action” (Code Civ. Proc., § 641(f)) or that the WCJ has demonstrated “[t]he existence of a state of mind ... evincing enmity against or bias toward either party.” (Code Civ. Proc., § 641(g)).

Under WCAB Rule 10960, proceedings to disqualify a WCJ “shall be initiated by the filing of a petition for disqualification supported by an affidavit or declaration under penalty of perjury *stating in detail facts* establishing one or more of the grounds for disqualification” (Cal. Code Regs., tit. 8, § 10960, italics added.) It has long been recognized that “[t]he allegations in a statement charging bias and prejudice of a judge must set forth specifically the facts on which the charge is predicated,” that “[a] statement containing nothing but conclusions and setting forth no facts constituting a ground for disqualification may be ignored,” and that “[w]here no facts are set forth in the statement there is no issue of fact to be determined.” (*Mackie v. Dyer* (1957) 154 Cal.App.2d 395, 399.)

Next, petitions for disqualification must be timely filed: “If the workers' compensation judge assigned to hear the matter and the grounds for disqualification are known, the petition for disqualification shall be filed not more than 10 days after service of notice of hearing or after grounds for disqualification are known.” (Cal. Code Regs., tit. 8, § 10960.)

Next, a petition for disqualification must be “supported by an affidavit or declaration under penalty of perjury stating in detail facts establishing one or more of the grounds for disqualification specified in section 641 of the Code of Civil Procedure.” (*Ibid.*)

Here, and based upon the analysis contained in the WCJ’s Report we dismiss the Petition for Disqualification as applicant has not provided any affidavit or declaration under penalty of perjury, nor has applicant stated any grounds for disqualification under the rule.

To the extent that applicant’s petition also seeks to disqualify defense counsel from proceeding in this matter, that issue is deferred to the trial level to decide in the first instance.

Applicant is admonished that pursuant to WCAB Rule 10430 a person may be declared a vexatious litigant where the person: “repeatedly files unmeritorious motions, pleadings or other papers, repeatedly conducts or attempts to conduct unnecessary discovery, or repeatedly engages in other tactics that are in bad faith, are frivolous or are solely intended to cause harassment or unnecessary delay[.]” (Cal. Code Regs., tit. 8, § 10430.) If applicant’s conduct in this matter persists, vexatious litigant proceedings may be instituted.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Disqualification of the WCJ filed on June 6, 2025, is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 29, 2025

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

**APRIL PREMO WILLIAMS, IN PRO PER
ALBERT AND MACKENZIE
LAW OFFICES OF DUARTE, URSTOEGER & RUBLE LLP (LIEN CLAIMANT)**

EDL/mc

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