

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

**JUNIOR BARRIOS, *Applicant***

**vs.**

**SOUTHERN CALIFORNIA GAS COMPANY;  
permissibly self-insured, *Defendants***

**Adjudication Number: ADJ17888964  
Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the Report and Opinion on Decision of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's Report and Opinion on Decision, both of which we adopt and incorporate, and for the reasons stated below, we will deny reconsideration.

Former Labor Code<sup>1</sup> section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

- (a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.
- (b)
  - (1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.
  - (2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

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

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on October 16, 2025 and 60 days from the date of transmission is December 15, 2025. This decision is issued by or on December 15, 2025, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers’ compensation administrative law judge, the Report was served on October 16, 2025, and the case was transmitted to the Appeals Board on October 16, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by section 5909(b)(1) because service of the Report in compliance with section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on October 16, 2025.

For the reasons stated in the Report and Opinion on Decision, we agree with the WCJ that the opinion of primary treating physician Khalid Ahmed, M.D., is substantial medical evidence. (*Hegglin v. Workers’ Comp. Appeals Bd.* (1971) 4 Cal.3d 162, 169 [36 Cal.Comp.Cases 93]; *Place v. Workmen’s Workers’ Comp. Appeals Bd.* (1970) 3 Cal.3d 372, 378-379 [35 Cal.Comp.Cases 525]; *Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 621 (Appeals Board en banc) [a medical opinion must be framed in terms of reasonable medical probability, it must not be speculative, it must be based on pertinent facts and on an adequate examination and history, and it must set forth reasoning in support of its conclusions].) We observe, moreover, it is well-established that the relevant and considered opinion of one physician may constitute substantial

evidence, even if inconsistent with other medical opinions. (*Place v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 372, 378-379 [35 Cal.Comp.Cases 525].)

Finally, we have given the WCJ's credibility determinations great weight because the WCJ had the opportunity to observe the demeanor of the witness. (*Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 318-319 [35 Cal.Comp.Cases 500].) Furthermore, we conclude there is no evidence of considerable substantiality that would warrant rejecting the WCJ's credibility determination. (*Id.*)

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG L. SNELLINGS, COMMISSIONER**

**ANNE SCHMITZ, DEPUTY COMMISSIONER**  
**CONCURRING NOT SIGNING**



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

**DECEMBER 15, 2025**

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

**JUNIOR BARRIOS  
GLAUBER/BERENSON/VEGO  
LLARENA MURDOCK LOPEZ & AZIZAD**

**PAG/bp**

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

**REPORT AND RECOMMENDATION OF WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE ON PETITION FOR RECONSIDERATION**

**INTRODUCTION:**

On October 14, 2025, the Defendant filed a timely and verified petition for reconsideration dated October 14, 2025, alleging that the undersigned WCJ erred in his Findings of Fact & Award dated September 19, 2025<sup>1</sup>, finding, based on the primary treating physician's report of Khalid B. Ahmed, M.D., that the Applicant sustained industrial injury to his lumbar spine, both knees and left ankle resulting in a permanent disability award of 46% with the need for further medical treatment.

The Defendant contends that the undersigned WCJ incorrectly relied on the medical opinions of Dr. Ahmed, claimed not being substantial medical evidence, and violated its due process rights by failing to consider the medical opinions of Soheila Ghaziaskar, D.C., the panel qualified medical evaluator, and ordering supplementation of her opinion based on its claim that the Applicant suffered increased somatic complaints and consistent with Labor Code § 4061(i).

**STATEMENT OF FACTS:**

The Applicant, while employed as a field technician during on June 12, 2023, by Southern California Gas Company, sustained an industrial injury to his lumbar spine, both knees and left ankle when he slipped on a wrench and fell.

While the Applicant relied on the medical reports of Dr. Ahmed, the Defendant relied on the panel qualified medical evaluation reports of Dr. Ghaziaskar.

The undersigned WCJ issued his Findings of Fact & Award dated September 19, 2025, awarding the Applicant a permanent disability award of 46% with the need for further medical treatment based on the medical reports on Dr. Ahmed and the disability evaluation unit's formal permanent disability rating dated September 5, 2025.

Aggrieved by this decision, the Defendant filed its petition for reconsideration.

**DISCUSSION:**

While the WCAB may reject the findings of a WCJ and enter its own findings on the basis of its review of the record, [Labor Code § 5907] when a WCJ's findings are supported by solid, credible evidence, they are to be accorded great weight and should be rejected only on the basis of contrary evidence of considerable substantiality. [*Lamb v. Workers' Comp. Appeals Bd.* (1974) 39 Cal. Comp.Cases 310, 314.] In other words, an aggrieved party's professed dissatisfaction with the conclusions of a WCJ and the unsupported imputation of unreliability of the well-grounded

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<sup>1</sup> The undersigned WCJ issued an amended findings of fact and award and opinion on decision on October 13, 2025, solely correcting for syntax errors in his opinion on decision. There was no substantial change in his decision-making or reasoning.

evidence he or she has relied upon and a preference instead for a different conclusion based on other conflicting evidence found more desirable is not sufficient to disturb a WCJ's decision. [*Shepard v. County of Los Angeles* (2021) 2021 Cal. Wrk. Comp. P.D. LEXIS 151, \*7-8 (Appeals Board noteworthy panel decision); *Lee v. Mitrant U.S.A. Corp.* (2013) 2013 Cal. Wrk. Comp. P.D. LEXIS 610, \*5 (Appeals Board noteworthy panel decision); see *Place v. Workers' Comp. Appeals Bd.* (1970) 35 Cal. Comp. Cases 525, 529 ("factual determinations of the Board must be upheld if there is substantial evidence in their support and the relevant and considered opinion of one physician, though inconsistent with other medical opinions, may constitute substantial evidence.").]

For an expert's medical opinion to be substantial evidence it must be framed in terms of reasonable medical probability that is based on pertinent facts, an adequate examination, an accurate history and set forth proper reasoning in support of its conclusions. [*Escobedo v. Marshalls* (2005) 70 Cal. Comp. Cases 604, 621 (Appeals Board en banc).] Reports and opinions are not substantial evidence if they are known to be erroneous, based on facts no longer germane, contain inadequate medical histories and examinations, or are based on incorrect legal theories, surmise, speculation, conjecture, or guess. [*Heggin v. Workmen's Comp. Appeals Bd.* (1971) 36 Cal. Comp. Cases 93, 97.]

In this case, the undersigned WCJ relied on the medical reports of Dr. Ahmed, found better reasoned and more persuasive than Dr. Ghaziaskar, who claimed, in her reports dated October 7, 2024 and August 19, 2025, contrary to the credible testimony of the Applicant, that he had no complaints and had fully recovered from his injury. Despite the claim of the Defendant that the Applicant had new somatic complaints requiring a reevaluation, the evidence demonstrated instead that Dr. Ghaziaskar's medical-legal conclusions were predicated on a false history. Also, while the Defendant had an opportunity to raise an objection to the formal permanent disability rating dated September 5, 2025, it failed to do so. [See *Alcantar v. Martinez* (2025) 2025 Cal. Wrk. Comp. P.D. LEXIS 231, \*12-13 (Appeals Board noteworthy panel decision).]

In addition, notwithstanding the Defendant's protested complaints regarding Dr. Ahmed, he did not speculate or guess in providing his medical opinion on causation. He took an adequate medical history and conducted an adequate examination. Since his opinion relied on germane facts and reasonable medical probability, it was substantial medical evidence. As such, in matters that require scientific medical knowledge, a WCJ may not reject them merely because an aggrieved party is dissatisfied with them. [*E.L. Yeager Construction v. Workers' Comp. Appeals Bd. (Gatten)* (1968) 71 Cal. Comp. Cases 1687,1693.]

Finally, with respect to the applicability of Labor Code § 4061(i), the WCAB wrote the following:

"[§] 4061(i) does not require that the evaluations all find the injured worker to be permanent and stationary or that the evaluations address permanent disability. A declaration of readiness to proceed is merely the first step to a trial. While a medical evaluation must address permanent disability and be substantial medical evidence to support a WCJ's decision on the issue of permanent disability, every reporting physician does not have agree that an applicant is MMI before a case can go to trial." [*Sequeira v. Randstad*

Placement Pros (2017) 2017 Cal. Wrk. Comp. P.D. LEXIS 594, \*4-5 (Appeals Board noteworthy panel decision), writ denied sub. nom. Sequeira de Bustos v. Workers' Comp. Appeals Bd. (2018) 83 Cal. Comp. Cases 378; see also Chavez v. Barrett Bus. Servs. (2018) 2018 Cal. Wrk. Comp. P.D. LEXIS 524, \*8-9 (Appeals Board noteworthy panel decision).]

Therefore, for the reasons set forth above, the undersigned WCJ did not err in relying on the medical reports of Dr. Ahmed.

**RECOMMENDATION:**

The undersigned WCJ respectfully recommends that the WCAB deny the Defendant's petition for reconsideration dated October 14, 2025.

Date: **October 16, 2025**

Transmitted: **October 16, 2025**

**DAVID L. POLLAK**  
***WORKERS' COMPENSATION***  
***ADMINISTRATIVE LAW JUDGE***

## **FIRST AMENDED OPINION ON DECISION**

### **PERMANENT DISABILITY**

The factors of permanent disability that were set forth in the rating instructions dated **September 2, 2025**, was based on the permanent and stationary report of Khalid B. Ahmed, M.D., dated January 15, 2025, (Applicant's Exhibit "2").

In the absence of any objection or requests for cross-examination, and in accordance with the disability evaluation unit's report, the Applicant is entitled to a permanent disability award of **46%** equivalent to **243.00** weeks of indemnity payable at the rate of **\$290.00** per week to be paid from **December 4, 2024 to present and continuing** equaling **\$70,470.00**, less a reasonable attorney's fee as set forth below.

### **APPORTIONMENT**

Based on the permanent and stationary report of Dr. Ahmed dated January 15, 2025, on page five, there is no reasonable basis to apportion any permanent disability to pre-existing factors.

### **FURTHER MEDICAL TREATMENT**

Based on the permanent and stationary report of Dr. Ahmed dated January 15, 2025, on page six, the Applicant is entitled to further medical treatment to his lumbar spine, both knees, and left ankle.

### **ATTORNEY'S FEE**

In accordance with Cal. Code Regs., tit. 8, § 10775 and the Policy and Procedure Manual § 1.140, a reasonable attorney's fee relating to the Applicant's permanent disability is found to be **\$10,570.50**, which shall be commuted from the final weekly payments of the Applicant's permanent disability award to the extent necessary to pay as one lump sum.

Date: **October 13, 2025**

**DAVID L. POLLAK  
WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE**