

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

LAURA TORRES, *Applicant*

vs.

**R.A. PHILLIPS INDUSTRIES INC.;
EVEREST NATIONAL INSURANCE COMPANY, *Defendants***

**Adjudication Numbers: ADJ14497155; ADJ14497152
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

On June 3, 2022, a workers' compensation administrative law judge (WCJ) issued the Findings of Fact in ADJ14497155, finding that applicant did not sustain injury arising out of and in the course of employment.

On June 27, 2022, applicant filed a Petition for Reconsideration. Thereafter, defendant filed an Answer.

On July 12, 2022, the WCJ issued a Report and Recommendation (Report), recommending that we deny reconsideration and transmitted ADJ14497155 to the Appeals Board.

On August 26, 2022, we issued an Opinion and Order Granting Reconsideration.¹

On February 3, 2023, a WCJ issued an order approving compromise and release in ADJ14497152 and ADJ14497155.

WCAB Rule 10961 (Cal. Code Regs., tit. 8, § 10961) provides that jurisdiction remains with the district office for 15 days after the timely filing of a petition for reconsideration and sets forth three actions that a WCJ may take in response: (a) The WCJ may prepare a report and transfer jurisdiction to the Appeals Board to address the merits of the petition (Cal. Code Regs., tit. 8, § 10961(a); see Cal. Code Regs., tit. 8, § 10962); (b). The WCJ may rescind the entire order, decision or award and initiate proceedings within 30 days (Cal. Code Regs., tit. 8, § 10961(b)); or (c)

¹ Commissioner Sweeney, who was on the panel that issued the Order, no longer serves on the Appeals Board. Another panelist was appointed in her place.

The WCJ may rescind the order, decision or award and issue an amended order, decision or award, and a new petition for reconsideration must be filed in response to the amended order, decision or award (Cal. Code Regs., tit. 8, § 10961(c)).

WCAB Rule 10961 then states:

After 15 days have elapsed from the filing of a petition for reconsideration, a workers' compensation judge shall not issue any order in the case until the Appeals Board has denied or dismissed the petition for reconsideration or issued a decision after reconsideration.

(Cal. Code Regs., tit. 8, § 10961.)

Here, the WCJ chose to prepare a Report pursuant to subdivision (a) and transmit ADJ14497155 to the Appeals Board. Nonetheless, in contravention of the mandatory requirement in WCAB Rule 10961, the WCJ issued an order approving a compromise and release on February 3, 2023, while the matter was still pending at the Appeals Board.

No notice was ever given to the Appeals Board that there was a settlement pending.

In particular, applicant's attorneys *Vyshnavi Chandrasekaran* (CSB #: 256050) and *Michael Burgis & Associates, P.C.*, did not notify the Appeals Board that the Petition for Reconsideration was withdrawn.

This lack of action by the parties and the WCJ causes delay and wastes the resources of the Appeals Board. More importantly, since the case was pending at the Appeals Board when the WCJ issued the order approving the compromise and release, it calls into question whether the WCJ had authority to issue the order and whether the order is valid.

While we allow the order to stand, in the future, all parties and the WCJ are reminded that the Appeals Board must immediately be notified of a settlement, so that the Appeals Board can issue a decision after reconsideration before the WCJ issues an order.

Accordingly, the Petition for Reconsideration is now moot. As our Decision After Reconsideration, we vacate our Opinion and Order Granting Reconsideration, and we dismiss the Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration that the Opinion and Order Granting Reconsideration issued by the Workers' Compensation Appeals Board on August 26, 2022 is **VACATED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration of the Findings of Fact in ADJ14497155 issued by a WCJ on June 3, 2022 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



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.

**LAURA TORRES
BURGIS AND ASSOCIATES
BLACK & ROSE**

AS/mc

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