

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

ESPERANZA SANCHEZ, *Applicant*

vs.

MCDONALD'S; USF&G, administered by BROADSPIRE, *Defendants*

**Adjudication Numbers: ADJ8102669; ADJ8015424
Van Nuys District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

Applicant, in pro per and through her guardian ad litem, has filed a petition for removal from the order setting the matter for mandatory settlement conference issued on March 26, 2026, by the workers' compensation administrative law judge (WCJ).

Applicant contends that discovery is not yet complete.

We have received an Answer from applicant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal 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 of petitioner's arguments in the WCJ's Report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable

harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

As noted in the March 26, 2026 minutes, “[Applicant] may raise the issue of further discovery at the time of the MSC.” This matter has not been set for trial and thus, applicant is not aggrieved at this point. Even if it were set for trial, applicant may continue to create a record throughout these proceedings and continue to argue at trial that further discovery is necessary. However, in order for the Appeals Board to make any decision on the issue of further discovery, a record must be created, which requires a trial setting.

We make no judgment at this time whether additional discovery is warranted since without a formal record available to review, we have no ability to make this determination.

Accordingly, we deny removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the order setting the matter for mandatory settlement conference issued on March 26, 2026, by the WCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 10, 2026

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

**ESPERANZA SANCHEZ
WILLIAM SANDOVAL
OFFICE OF THE DIRECTOR – LEGAL UNIT (LOS ANGELES)
QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
LLARENA, MURDOCK, LOPEZ & AZIZAD, APC**

EDL/mt

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