

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

JAIME VALLES MORENO, *Applicant*

vs.

**TAG SNUGTOP LONG BEACH; HARTFORD CASUALTY INSURANCE COMPANY,
administered by GALLAGHER BASSETT SERVICES, INC., *Defendants***

**Adjudication Number: ADJ15540017
Long Beach District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

Defendant has filed a petition for removal from the order setting the matter for mandatory settlement conference issued on March 25, 2026, by the workers' compensation administrative law judge (WCJ).

Defendant contends that the issue of sanctions should not be set for hearing because defendant has not engaged in sanctionable conduct, the WCJ abandoned the sanctions process, and the Appeals Board is without jurisdiction to decide the issue of sanctions after approving a Compromise and Release of applicant's claim.

We have not 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.

To the extent that defendant argues that it has not engaged in sanctionable conduct, that goes to the merits of the notice of intent and cannot be decided by summary judgment. (Cal. Code Regs., tit. 8, § 10515 [“Demurrers, petitions for judgment on the pleadings and petitions for summary judgment are not permitted.”].)

Next, defendant argues that the parties’ resolution of applicant’s claim also resolves the issue of sanctions to the court. That is not the case. While sanctions in the form of costs and attorney’s fees payable to applicant may be waived by private agreement, sanctions to the court are not waivable. (Civ. Code § 3513, [Any one may waive the advantage of a law intended solely for their benefit. But a law established for a public reason cannot be contravened by a private agreement.].)

To the extent that defendant argues that the court “abandoned the NOI process”, no record has been created in this matter. Furthermore, defendant provides no legal citation anywhere in its petition establishing any basis for a court waiving the imposition of sanctions through delay. We consider defendant’s argument on this point skeletal and thus waived. (See *Flores v. Cal. Dept. of Corrections and Rehab.* (2014) 224 Cal.App.4th 199, 204 (“an appellant must do more than assert error and leave it to the appellate court to search the record ... to test his claim”); *City of Santa Maria v. Adam* (2012) 211 Cal. App.4th 266, 287 (“[r]ather than scour the record unguided, we may decide that the appellant has waived a point urged on appeal when it is not supported by accurate citations to the record”); *Salas v. Cal. Dept. of Transp.* (2011) 198 Cal.App.4th 1058, 1074 (“[w]e are not required to search the record to ascertain whether it contains support for [plaintiffs’] contentions”); *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246 (“[t]he appellate court is not required to search the record on its own seeking error” and “[i]f a party fails to support an argument with the necessary citations to the record, ... the argument [will be] deemed to have been waived”).)

Defendant’s petition for removal borders on frivolous. In future petitions, defendant may wish to provide adequate legal authority to support its claims. Accordingly, we deny removal.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Removal from the order setting the matter for mandatory settlement conference issued on March 25, 2026, by the WCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

PAUL F. KELLY, COMMISSIONER
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 15, 2026

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

**JAIME VALLES MORENO
COLEMAN CHAVEZ & ASSOCIATES
LAW OFFICES OF JOHN JANSEN**

EDL/mt

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