WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

LUIS PENA GARCIA, *Applicant*

AT ELECTRIC COMPANY;
SECURITY NATIONAL INSURANCE COMPANY,
administered by AMTRUST NORTH AMERICA, *Defendants*

Adjudication Number: ADJ18887529
Van Nuys District Office

OPINION AND DECISION GRANTING PETITION FOR RECONSIDERATION AND DECISION AFTER RECONSIDERATION

Applicant seeks reconsideration of the Findings and Order (F&O) issued on February 25, 2026 by a workers' compensation administrative law judge (WCJ). The WCJ found that applicant failed to meet his burden of proof that sustained an injury arising out of and in the course of his employment to his right knee, shin, ankle, foot and leg; that evidence in the form of an e-mail dated August 13, 2025, is excluded from evidence "as it was not available, produced or listed on the Pre-trial conference statement;" and, that applicant take nothing from his claim. The WCJ ordered this case off calendar.

Applicant contends that the WCJ improperly excluded rebuttal evidence on material issues of fact by refusing to allow applicant to introduce impeachment evidence in response to unanticipated testimony, and therefore failed to fulfill the statutory duty to develop the record on those material issues of fact pursuant to *Kuykendall v. Workers' Comp. Appeals Bd.* (2000) 79 Cal.App.4th 396 ("*Kuykendall*").

Defendant filed an Answer to Petition for Reconsideration (Answer) and the WCJ filed a Report and Recommendation on Petition for Reconsideration (Report), recommending denial of the petition.

We have reviewed the record in this case, the allegations of the Petition for Reconsideration and the Answer, and the contents of the Report. Based on our review of the record and for the reasons stated below, we grant reconsideration and as our decision after reconsideration, we

rescind the F&O and return this matter to the trial level for further proceedings consistent with this decision.

I.

Former Labor Code[1] 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.
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> (b)
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> (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.
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> (2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

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 April 6, 2026, and 60 days from the date of transmission is June 5, 2026. This decision is issued by or on June 5, 2026, 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.

[1] All further references are to the Labor Code unless otherwise noted.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on April 6, 2026, and the case was transmitted to the Appeals Board on April 6, 2026. 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 April 6, 2026.

II.

Applicant contends that the WCJ erred by not permitting the introduction of rebuttal evidence for the purpose of impeaching defense witness Gerson Perez Diaz, applicant's supervisor (Mr. Perez Diaz) and A.J. Tillman, owner of employer A.T. Electric Co. (Mr. Tillman). We agree.

Here, during the cross-examination of Mr. Perez Diaz, applicant attempted to introduce the following as rebuttal evidence for the purpose of impeachment (rebuttal evidence): several text messages from co-workers rebutting and impeaching the testimony of Mr. Perez Diaz and Mr. Tillman that employees were told that the workday was concluded and that they were free to leave prior to applicant's injury;[2] and, a record from the employer's digital timekeeping application showing that applicant clocked back in prior to his injury.[3] The WCJ refused to permit introduction of the rebuttal evidence because it was not identified on the Pre-Trial Conference Statement (PTCS) and was not uploaded into the record of this case:

> LET THE MINUTES REFLECT that Mr. Figaredo intended to offer subpoenaed records from the personnel file provided by the employer, and has discussed this with Defense counsel.
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> Defendant objects to the admission of this evidence at this time, as it was not listed on the exhibit list. It was not served on the defendant prior to trial, and was not uploaded in EAMS either. After looking through his file, Mr. Menapace didn't see a copy of the documents that the Applicant's attorney is offering there either. Defendant is objecting to it on those grounds, and on due process grounds.

[2] Hearsay evidence is admissible in workers' compensation proceedings. (Lab. Code, § 5708; *Pacific Emp. Ins. Co. v. Ind. Acc. Com.* (1941) 47 Cal.App.2d 494, 499.) "The weight to be given hearsay evidence is to be determined by the commission." (*Id*., at pp. 499–500.)

[3] Contrary to defendant's claim that it "is still not in possession of the text messages in question," the text messages were part of applicant's personnel file which *defendant* produced to applicant; therefore, the text messages were and are inherently in defendant's possession.

We will address that issue, should it come up at a later point in the litigation.

(MOH, August 13, 2025, p. 3.)

> LET THE MINUTES FURTHER REFLECT that a discussion has been held off the record. Mr. Figaredo is attempting to offer a one-page email document, which was previously referenced at the August 13, 2025 hearing; however, at that time, there was no specific date given to the document. The document itself is not available or produced. The document itself is not uploaded in EAMS and has not been uploaded in EAMS up to this point, and the document itself has not ever been listed on a Pre-Trial Conference Statement, although Mr. Figaredo states that it is part of a personnel file. While the personnel file is listed on that Amended Pre-Trial Conference Statement, there is no EAMS I.D. number and no reference to this particular document in that personnel file. Defense counsel did object to the reference of this document on August 13, 2025, and, at that time, the Court indicated that it would be addressed should the issue arise later. Today is later, and having reviewed and considered the evidence, the Court's ruling is that this particular one-page email is not part of the record, is not admitted into the record, and cannot be referenced as evidence in this record.

(MOH, December 22, 2025, p. 3.)

The introduction of evidence in a workers' compensation case is governed by the principles of Labor Code section 5708, and by principles of due process, i.e., notice and a fair hearing. (See *Hegglin v. Workmen's Comp. Appeals Bd.* (1971) 4 Cal.3d 162, 175 [36 Cal.Comp.Cases 93, 102]; *Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805]; *Pence v. Industrial Acci. Com.* (1965) 63 Cal.2d 48, 51 [30 Cal.Comp.Cases 207, 209].) **A fair hearing includes but is not limited to the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal.** (See *Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker, supra*, at 157-158 citing *Kaiser Co. v. Industrial Acci. Com. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].)

Although section 5502, subdivision (d)(3), closes discovery on the date of the mandatory settlement conference (MSC) and precludes admission of evidence not disclosed at that conference, the Appeals Board and the WCJ "has the authority, at any time, to order the taking of additional evidence." (*Kuykendall*, *supra*, 79 Cal.App.4th at p. 405.) **Thus, "in order to rebut unanticipated testimony, due process requires protection of the parties' substantial rights. If**

an unaddressed and determinative issue arises during trial, it is proper for the WCJ to develop the record." (*Kuykendall*, *supra*, 79 Cal.App.4th at p. 406, bold added.)

The issue at trial in this matter was injury arising out of and in the course of employment (AOE/COE) (Lab. Code, § 3600), "with defendants more specifically asserting that the injury is not AOE/COE as it happened afterhours." (Minutes of Hearing and Summary of Evidence (MOH), June 9, 2025, p. 2.) Whether an employee's injury arose out of and in the course of his or her employment "'is generally a question of fact to be determined in light of the circumstances of the particular case.'" (*Melendez v. Ameron International Corp.* (2015) 240 Cal.App.4th 632 [80 Cal.Comp.Cases 1180] citing *Wright v. Beverly Fabrics, Inc.* (2002) 95 Cal.App.4th 346, 353 [67 Cal.Comp.Cases 51].) All reasonable doubts as to whether an injury arose out of employment are to be resolved in favor of the employee. (*Department of Rehabilitation v. Workers' Comp. Appeals Bd. (Lauher)* (2003) 30 Cal.4th 1281, 1290–1291 [68 Cal.Comp.Cases 831]; *Price v. Workers' Comp. Appeals Bd.* (1984) 37 Cal.3d at p. 565.)

Applicant contends that defendant "advanced a new factual theory: that the Applicant had not clocked back in and was off duty at the time of the injury." (Petition for Reconsideration at p. 5.) This does not appear to be accurate given that at the June 9, 2025 trial session, defendant identified specifically that it was defending compensability because of its contention that applicant was injured "afterhours." However, even defendant concedes that "the issue of clocking in/clocking out would have been inherently central to the underlying the [*sic*] AOE/COE dispute at trial." (Answer, p. 4.) As a result, there appears to be no dispute that the factual issue of whether applicant was on the clock or off the clock is material to the determination of the AOE/COE issue. Given that neither of defendant's witnesses had been deposed prior to trial, the need to present additional evidence on cross-examination to rebut and/or impeach these witnesses could not have become apparent until their direct testimony was heard at the trial. (*Kuykendall*, *supra*, 79 Cal.App.4th at p. 406.)

Defendant argues that applicant could have deposed his supervisor and the owner of the company prior to trial and therefore, their testimony could have been known prior to trial. (Answer, p. 5.) Defendant provides no legal support for its opinion in this regard, and indeed, there is no requirement in workers' compensation that an injured worker depose all potential witnesses prior to trial; defendant also admits that Mr. Perez Diaz and Mr. Tillman were identified as material witnesses only *after* the close of discovery (*Ibid.*) We note that the use of interrogatories and other

written discovery is not part of statutory discovery in workers' compensation matters and therefore, an injured worker has no obvious method of asking defendant for the identity of persons most knowledgeable.

The issue of credibility was central to the determination of the WCJ in the unique circumstances of this case, and the WCJ determined that the two defense witnesses were more credible than applicant – but only after refusing applicant the ability to introduce the rebuttal evidence for impeachment purposes. (Report, pp. 2-3.)[4] By doing so, the WCJ denied applicant a fair hearing by failing to allow a full cross-examination of Mr. Perez Diaz and Mr. Tillman. Further, there is no meaningful way for the Appeals Board to reconsider the credibility finding of the WCJ *because* the WCJ refused to permit applicant the ability to introduce the rebuttal evidence into the record.[5] (See *Garza v. Workers' Comp. Appeals Bd.* (1970) 3 Cal.3d 312.)

We note that it is also relevant for purposes of evaluating the credibility of defendant's witnesses that Mr. Tillman had records from the digital timekeeping application in his possession that could have clarified some of the conflicting testimony in this case. (MOH, December 22, 2025, p. 2 [Mr. Tillman "has the records" from the digital timekeeping application allowing him to see when people clocked in and out].) The fact that defendant chose not to produce records and instead allowed a serious dispute over material questions to arise at trial could raise a reasonable inference that the records would have been unfavorable to defendant.[6]

We therefore grant reconsideration to protect the parties' right to due process including but not limited to the right of full and fair cross-examination of witnesses Mr. Perez Diaz and Mr. Tillman.

II.

Given that the issue of AOE/COE was directly identified for adjudication at trial, we also grant reconsideration to give the WCJ an opportunity to address the "personal comfort doctrine" which is triggered by the facts in this case, and which will assist the factfinder in determining

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[4] As the WCJ did not allow and/or admit the rebuttal evidence into the record, we have no way to review that evidence; we therefore ignore all comments in the Report related to what weight would have been given to such evidence had it been allowed. (Report, p. 3.)

[5] We note that rebuttal evidence introduced for the purpose of impeachment should be admitted into evidence so that it become part of the official record *but may be limited in its use to the purpose of impeachment.*

[6] See Cal. Code Regs., tit. 8, § 10670, subd. (c) [willful suppression of evidence results in rebuttable presumption that evidence would be adverse to party suppressing].)

whether or not applicant's injury was sustained in the "course of employment." (Lab. Code, § 3600, subd. (a) and (a)(2).) The personal comfort doctrine holds that "the course of employment is not considered broken by certain acts relating to the personal comfort of the employee, as such acts are helpful to the employer in that they aid in efficient performance by the employee." (*State Compensation Ins. Fund v. Workers' Comp. Appeals Bd. (Cardoza)* (1967) 67 Cal.2d 925, 928 [32 Cal.Comp.Cases 525].)

The term "in the course of" employment "ordinarily refers to the time, place and circumstances under which the accident occurs." (*Westbrooks v. Workers' Comp. Appeals Bd.* (1988) 203 Cal.App.3d 249, 253 ("*Westbrooks*").)

> Every human act has a personal aspect. No contract of employment can list every act that an employee may or may not do in the course of his employment. Purely personal activities on the employment premises which reflect an intent to abandon the employment are not compensable. In drawing the line between those acts which shall be deemed work-related and those considered to be purely personal, it is generally stated as a basic principle that an employee is in the course of his employment when he does those reasonable things within the time and space limits of the employment which his contract with his employer expressly or impliedly permits him to do. (citations) "In determining whether a particular act is reasonably contemplated by the employment the nature of the act, the nature of the employment, the custom and usage of a particular employment, the terms of the contract of employment, and perhaps other factors should be considered. **Any reasonable doubt as to whether the act is contemplated by the employment, in view of this state's policy of liberal construction in favor of the employee, should be resolved in favor of the employee."** (*Employers' etc. Corp. v. Industrial Acc. Com.* (1940) 37 Cal.App.2d 567, 573-574 [99 P.2d 1089].)
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> **The so-called rules simply reflect a continuing attempt to establish a guide applicable to each of the many factual situations which appear in case-by-case decision making. Each case must necessarily turn on its own unique circumstances.**

(*North American Rockwell Corp. v. Workmen's Comp. App. Bd.* (1970) 9 Cal.App.3d 154, 158 [35 Cal.Comp.Cases 300], bold added.)

It is not necessary for recovery that the act of personal comfort to be performed on the employer's premises. (*Duncan v. Workers' Comp. Appeals Bd.* (1983) 150 Cal.App.3d 117, 120 [49 Cal.Comp.Cases 39] (*Duncan*), citing *State Comp. Ins. Fund v. Workmen's Comp. App. Bd. (Cardoza)* (1967) 67 Cal.2d 925, 927-928 [32 Cal.Comp.Cases 525].) The act of personal comfort does not need to consist of rendering a service to the employer. (*Cardoza*, *supra*, 67 Cal.2d at pp.

927-928 citing *California Cas. Indem. Exchange v. Industrial Acc. Com. (Cooper)* (1943) 21 Cal.2d 751, 758.) It is also not necessary that an employer or its agents (supervisors) be aware of or approve of the personal comfort activity. (*Nichols v. Workers' Comp. Appeals Bd.* (1969) 269 Cal.App.2d 598 [34 Cal.Comp.Cases 119] [playing catch during break at a worksite].) In addition, a "reasonable inference" arises if an employer continues to pay an employee at the time of injury that the employer "'has impliedly agreed that service will continue during such period.'" (*Kobe v. Industrial Acci. Com.* (1950) 35 Cal.2d 33, 35 [1950 Cal. LEXIS 309] citing *Western Pipe etc. Co. v. Industrial Acc. Com.*, 49 Cal.App.2d 108 [1942 Cal.App. LEXIS 772];[7] see *Western Greyhound Lines v. Industrial Acci. Com. (Brooks)* (1964) 225 Cal.App.2d 517, 521.)

Although each case "must necessarily turn on its own unique circumstances," other cases may be instructive. For example, in *Cardoza*, an inference arose from the evidence that "some swimming on company time in the nearby canal, although not encouraged, would be tolerated, and that on a day of extreme heat such as here involved the cooling effect of the swim during a permitted work break would improve efficiency of the employees." (*Id.* at p. 928.) In *Nichols*, applicant was injured while playing catch with coworkers during a paid, afternoon break at a work site where he was installing telephone equipment. (*Nichols*, *supra*, 269 Cal.App.2d at p. 599.) No supervisor was present at the time of the injury and no supervisor knew that the employees were playing catch on their paid breaks, but the employe had never forbidden such activity. (*Ibid.*) The court found applicant's injury compensable because the injury occurred while applicant was engaged with other employees "in a mild form of exercise" during their paid break, which was found to be "an activity for personal convenience or comfort which was "not prohibited but, rather, reasonably to be anticipated..." (*Id.* at pp. 599-600.)

Here, it is undisputed applicant was injured on November 17, 2023 while playing soccer with three other coworkers at their worksite, an activity that does not appear to have been prohibited by the employer. (MOH, December 22, 2025, p. 6.) There is no dispute that applicant was paid for a full day's work by the employer on the date of his injury. (MOH, December 22, 2025, p. 2:9-22, 5:9-12, 8:8-9.) This is where consensus ends. Defendant claims that applicant was no longer "on the clock" and that the workday had ended at the time of his injury. There is testimony from Mr. Perez Diaz stating that at 11:30 a.m., he told applicant and his coworkers to

[7] Overruled by *Duncan*, *supra*, 150 Cal.App.3d at p. 120, fn. 1 on other grounds [no reason to distinguish between hourly and salaried employees].)

clock out because they were done working for the day, that they would be paid for their full eight-hour workday, and that they could stay and eat on the premises or go home. (MOH, December 22, 2025, p. p. 2:9-2.)[8] Applicant contends otherwise that instead, the employees started playing soccer after their lunch break to wait for Mr. Perez Diaz to return and let them know if additional work was needed. (Petition for Reconsideration, p. 2.)[9] The WCJ found applicant to be less credible than Mr. Perez Diaz and Mr. Tillman, and thereby determined, without considering the personal comfort doctrine, that applicant did not sustain an injury AOE/COE.

Decisions of the Appeals Board "must be based on admitted evidence in the record." (*Hamilton v. Lockheed Corporation* (*Hamilton*) (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, decisions of the Appeals Board must be supported by substantial evidence. (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ's decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, former § 10566, now § 10787 (eff. Jan. 1, 2020).) In order to make the parties' right to reconsideration more meaningful, the WCJ's opinion on decision must "set[] forth clearly and concisely the reasons for the decision made on each issue, and the evidence relied on," so that "the parties, and the Board if reconsideration is sought, [can] ascertain the basis for the decision[.] …**For the opinion on decision to be meaningful, the WCJ must refer with specificity to an adequate and completely developed record**." (*Hamilton*, *supra*, at p. 476, citing *Evans v. Workers' Comp. Appeals Bd.* (1968) 68 Cal. 2d 753, 755 [33 Cal.Comp.Cases 350, 351], bold added.)

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[8] We note that by doing so, the employer's agent gave applicant and the other coworkers permission to stay on the premises while they were still being paid by the employer.

[9] We note that Mr. Tillman testified that it was *after* an unpaid lunch break that applicant and three of his coworkers started a game of soccer. (MOH, December 22, 2025, p. 8:9-10.) This testimony is supported by Mr. Tillman's further testimony that on the date of applicant's injury, and even though applicant and his coworkers clocked out for lunch, they "worked through their lunch break, but could eat at the location if they decided to..." (Id., p. 4:1-6, 8:12-14.) We also note that coworker Jose Lara testified that their 30-minute unpaid lunch break was normally taken at 10:00 a.m., i.e., five hours after their start time of 5:00 a.m., and that their game of soccer was not during their lunchbreak. (Id., at p. 4:18-23, 5:9-19.) We note that Mr. Lara also testified that on the date of applicant's injury, they were told that "if they finished work early, they could leave and would still be paid for eight hours." (MOH, December 22, 2025, p. 5:13-19, italics added.)

The WCJ has the discretionary authority to develop the record when the record does not contain substantial evidence or when appropriate to provide due process or fully adjudicate the issues. (Lab. Code, §§ 5701, 5906; *Tyler v. Workers' Comp. Appeals Bd.* (1997) 56 Cal.App.4th 389, 394 [62 Cal.Comp.Cases 924] ["principle of allowing full development of the evidentiary record to enable a complete adjudication of the issues is consistent with due process in connection with workers' compensation claims (citations)"]; see *McClune v. Workers' Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117 [63 Cal.Comp.Cases 261]; *McDuffie v. Los Angeles County Metropolitan Transit Authority* (2001) 67 Cal.Comp.Cases 138 (Appeals Bd. en banc).) As stated above, "[i]f an unaddressed and determinative issue arises during trial, it is proper for the WCJ to develop the record." (*Kuykendall*, *supra*, 79 Cal.App.4th at p. 406.)

Here, applicant was not allowed to present the rebuttal evidence for the purpose of impeachment and the evidence was therefore not admitted into the record of this case. As a result, reconsideration of the WCJ's credibility finding, so central to the particular circumstances of this case, is not possible. In addition, it appears that defendant has access to and/or possession of records from its digital timekeeping application that could clarify the conflicting testimony in this case should applicant's version of events be relevant after consideration of the personal comfort doctrine. In addition, the WCJ failed to consider the personal comfort doctrine. Consequently, the record is incomplete and we cannot review the WCJ's finding of credibility or the relative weight to be given to any of the testimony in this case, nor interpose our own findings without violating the parties' right to due process. (*Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584] citing *Rucker v. Workers' Comp. Appeals Bd*. (2000) 82 Cal.App.4th 151, 157-158).

Accordingly, we grant reconsideration to protect the rights of the parties to a fair hearing. It is our decision after reconsideration to rescind the WCJ's decision and return this matter to the WCJ for further proceedings to develop the record consistent with this decision and including but not limited to the full and fair cross-examination and re-direct of Mr. Perez Diaz and Mr. Tillman which may include the introduction of rebuttal evidence for the purpose of impeachment. In addition, discovery of defendant's records from the digital timekeeping application should be considered to further develop the record in this matter. The record in this case should be updated

and any rebuttal evidence and/or records from the digital timekeeping application should be uploaded into the EAMS.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Findings and Order issued on February 25, 2026 by a workers' compensation administrative law judge is **GRANTED**.

IT IS FURTHER ORDERED as the Decision after Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order issued on February 25, 2026 by a workers' compensation administrative law judge is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and development of the record consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ PAUL F. KELLY, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JUNE 5, 2026

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

LUIS PENA GARCIA
LAW OFFICES OF EDWARD F. FIGAREDO
HANNA, BROPHY, MacLEAN, McALEER & JENSEN, LLP

AJF/mc

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