

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

**JESSI DANIELS, *Applicant***

**vs.**

**VALLEY CENTER POOLS;  
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ11893120  
Pomona District Office**

**OPINION AND DECISION  
AFTER RECONSIDERATION**

We previously granted reconsideration in this matter on our own motion pursuant to Labor Code<sup>1</sup> section 5900(b) to further study the factual and legal issues in this case. We now issue our Decision After Reconsideration.

Applicant seeks reconsideration of the Order Dismissing Inactive Case (Order) issued by the workers' compensation administrative law judge (WCJ). Therein, the WCJ ordered this matter dismissed as an inactive case "absent timely objection showing good cause received within ten (10) days from the date of service of this document plus the additional calendar days allowed under the applicable mailing time as provided in C.C.R. §10605." The Order is dated September 18, 2020 and was emailed to defendant State Compensation Insurance Fund (SCIF) on September 22, 2020, as a designation of service pursuant to WCAB rule 10629. Defendant filed a proof of service in EAMS reflecting that service of the Order was executed on applicant and applicant's attorney on September 23, 2020.

Applicant's Petition for Reconsideration was untimely filed on November 5, 2020. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, former §§ 10507(a)(1), 10508, now §§ 10605(a)(1), 10600, respectively, (eff. Jan. 1, 2020).) However, on November 23, 2020, we

---

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

exercised our jurisdiction pursuant to section 5900(b) to grant reconsideration on our own motion within 60 days of the September 23, 2020 Order. (Lab. Code, § 5900(b).)

In her petition, applicant indicates that she is interested in pursuing her workers' compensation case and in undergoing the qualified medical examination (QME) process. We infer from the WCJ's report that he would have rescinded the Order if he had jurisdiction to do so. Therefore, given the strong public policy favoring resolution of disputes on their merits, we find good cause to rescind the September 23, 2020 Order and return this matter to the trial level to be placed on the conference calendar or for further proceedings as the WCJ deems necessary.

For the foregoing reasons,

**IT IS ORDERED**, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the September 23, 2020 Order Dismissing Inactive Case is **RESCINDED** and that this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ consistent with this opinion.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ DEIDRA E. LOWE, COMMISSIONER



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

**March 4, 2021**

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

**JESSI DANIELS  
SOLIMON RODGERS  
STATE COMPENSATION INSURANCE FUND**

**PAG/abs**

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