

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

SIMONE HAMILTON, *Applicant*

vs.

**MAK'M, INC., dba COLD STONE CREAMERY;
PEERLESS INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ8020538
San Diego District Office**

**OPINION AND ORDER
DISMISSING PETITIONS FOR
RECONSIDERATION**

Applicant, in pro per, has filed a Petition for Reconsideration on June 11, 2021 and a Petition for Reconsideration on July 15, 2021 regarding an October 13, 2017 Order Dismissing Case issued by the workers' compensation administrative law judge (WCJ). This matter came on calendar on May 3, 2021 and it was continued to a status conference on July 17, 2021. On that date, it was ordered off calendar due to the pending Petition for Reconsideration. In his report, the WCJ states that proceedings are underway to make a record and give the applicant an opportunity to be heard on the issue of whether the Order Dismissing Case should be set aside. Given that proceedings are underway to consider applicant's request to set aside the prior Order Dismissing Case, we will dismiss the current Petitions for Reconsideration as premature and return this matter to the trial level for the WCJ to set this matter for another status conference and for such further proceedings as the WCJ determines appropriate.¹

¹ Former Commissioner Gondak, who was on the panel that issued a prior decision in this matter is unavailable to participate further in this decision. Another panel member was assigned in her place.

For the foregoing reasons,

IT IS ORDERED that the Petitions for Reconsideration are **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ DEIDRA E. LOWE, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ MARGUERITE SWEENEY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 10, 2021

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

**SIMONE HAMILTON
ROSE KLEIN
SANTA CRUZ, BROWNWOOD & CANNON**

PAG/pc

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