

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

ALEJANDRO QUEZADA, *Applicant*

vs.

**RICHARD VANDER TUIG DAIRY and
ZENITH INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ9867059
Fresno District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We previously granted reconsideration on July 22, 2020 of the Findings of Fact and Order disallowing the Lien Claim of Med Legal Photocopy issued by the workers' compensation administrative law judge (WCJ) in this matter on April 27, 2020. Reconsideration was granted in order to study the factual and legal issues in this case.¹ This is our Opinion and Decision After Reconsideration.

Subsequent to our grant of reconsideration, the parties were invited to participate in a commissioners' settlement conference at our request. At the conference, the parties advised the Appeals Board that a bulk settlement was in progress to resolve several liens of Med Legal Photocopy in various cases including the herein case. On July 14, 2023, lien claimant Med Legal Photocopy, through their representatives, Medical Lien Management, Inc., filed and served notification of the withdrawal of their lien in this case.

Therefore, we vacate our order granting reconsideration and dismiss the Petition.

Labor Code section 5909 provides that a petition for reconsideration is deemed denied unless the Appeals Board acts on the petition within 60 days of filing. (Lab. Code, § 5909.) Section 5315 provides the Appeals Board with 60 days within which to confirm, adopt, modify or

¹ Commissioner Deidra E. Lowe signed the Opinion and Order Granting Petition for Reconsideration dated July 22, 2020. As Commissioner Lowe is no longer a member of the Appeals Board, a new panel member has been substituted in her place.

set aside the findings, order, decision or award of a workers' compensation administrative law judge. (Lab. Code, § 5315.)

On June 5, 2020, the State of California's Governor, Gavin Newsom, issued Executive Order N-68-20, wherein he ordered that the deadlines in sections 5909 and 5315 shall be extended for a period of 60 days.² Pursuant to Executive Order N-68-20, the time within which the Appeals Board must act was extended by 60 days. Therefore, this decision is timely.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Opinion and Order Granting Petition for Reconsideration issued by the Workers' Compensation Appeals Board on July 22, 2020 is **VACATED**.

² Governor Newsom's Executive Order N-68-20 may be accessed here: <https://www.gov.ca.gov/wp-content/uploads/2020/06/6.5.20-EO-N-68-20.pdf>. (See Evid. Code, § 452(c).)

IT IS FURTHER ORDERED that the Petition for Reconsideration of the decision issued by the WCJ on April 27, 2020 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



/s/ JOSEPH V. CAPURRO, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 20, 2023

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

**CHERNOW & LIEB
MED LEGAL PHOTOCOPY
MEDICAL LIEN MANAGEMENT**

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