

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

**SUZANNE CAILLIEZ, *Applicant***

**vs.**

**KEN ENTERPRISES DBA THE PALMS,  
SIBTF - CLAIMS UNIT, *Defendants***

**Adjudication Number: ADJ7609168  
Santa Barbara District Office**

**OPINION AND ORDER  
GRANTING PETITION  
FOR REMOVAL  
AND DECISION  
AFTER REMOVAL**

We have considered the allegations of the Petition for Removal and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, and for the reasons stated below, we will grant the Petition for Removal and amend the August 13, 2021 Order Vacating Submission and Setting the Matter Back on the Trial Calendar for Development of the Record solely to strike the phrase "prior to the continuous trauma claim of 1995 to July 28, 2009" and replace it with "prior to the last day of cumulative trauma July 28, 2009." We do this because the wording of the original order suggested that evidence of pre-existing permanent disability must predate 1995. We will otherwise affirm the WCJ's decision based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal of the August 13, 2021 Order Vacating Submission and Setting the Matter Back on the Trial Calendar for Development of the Record is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Removal of the Workers' Compensation Appeals Board that the August 13, 2021 Order Vacating Submission and Setting the Matter Back on the Trial Calendar for Development of the Record is **AFFIRMED, EXCEPT** that the third paragraph is **AMENDED** as follows:

\* \* \*

At trial, the parties are to provide to the Court any medical reports, records or notes as to applicant's internal and psychological records prior to the last day of cumulative trauma July 28, 2009.

\* \* \*

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ MARGUERITE SWEENEY, COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**



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

**November 23, 2021**

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

**SUZANNE CAILLIEZ  
GHITTERMAN  
OD LEGAL**

***PAG:acw***

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