

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

**ANGELICA AJPOP, *Applicant***

**vs.**

**COVENTRY MOTOR INN AND  
EVEREST NATIONAL INSURANCE COMPANY,  
administered by SEDGWIK CMS, *Defendants***

**Adjudication Numbers: ADJ14932580; ADJ14936437  
San Francisco District Office**

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

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. We acknowledge that defendant filed a Petition for Reconsideration from a non-final order. However, pursuant to our authority under Labor Code section 5803 and for the reasons stated below, we grant reconsideration, rescind the WCJ's decision, and return this matter to the WCJ for further proceedings.

We adopt and incorporate the following quote from the WCJ's report:

Applicant, Angelica Ajpop, filed an application on July 22, 2021 alleging a specific injury to her back on May 15, 2021 while employed as a housekeeper by Coventry Motor Inn, insured for workers' compensation purposes by Everest National Insurance Company. This has been assigned case number ADJ14936437. This matter proceeded to an expedited hearing before me on January 4, 2022 on the issue of a panel dispute. At that expedited hearing, I issued an order to the Medical Unit to issue a replacement panel in the specialty of chiropractic.

The case was set for a priority conference before me on April 21, 2022. At that hearing, I continued the matter to another priority conference on June 16, 2021 as I determined that the matter was not ready for trial on the issue of injury

arising out of and in the course of (AOE/COE) as the applicant had not yet seen the panel Qualified Medical Examiner.

Applicant also filed a claim alleging a cumulative trauma through April 9, 2021 to her nervous system/psyche while working for Coventry Motor Inn, insured by defendant. That case has been assigned ADJ14932580. To date, no trial judge has been assigned to that case. It was set for a priority conference on April 18, 2022 in front of Workers' Compensation Judge Farai Alves. Judge Alves continued the matter to another priority conference on May 23, 2022. At the May 23, 2022 priority conference, WCJ Alves determined the matter was still not ready to be set for trial and continued the matter. It is currently set for a priority conference in front of WCJ Alves on August 22, 2022.

On May 25, 2022, defendant filed a Petition to Consolidate ADJ14936437 and ADJ14932580.

At the June 16, 2022 priority conference in ADJ14936437, applicant requested that the matter be set for trial on the issue of injury arising out of and in the course of employment (AOE/COE.). Defendant contended that discovery was not complete as they had requested a supplemental report from the panel QME and "may" wish to depose the QME, although no decision had been made and no deposition had been set. Defendant requested the matter go off calendar. I determined that based on defendant's request for a supplemental report, the matter was not ready to be set for trial, and continued the matter to another priority conference. I also asked the applicant regarding her position on defendant's petition to consolidate the two cases. Applicant attorney ultimately opposed the consolidation. After hearing the arguments of both parties, I denied defendant's petition to consolidate. It is from this order denying defendant's petition to consolidate that defendant seeks reconsideration.

(Report, 6/29/22, at pp. 2-3.)

As relevant here, WCAB Rule 10398 states:

Any request or petition to consolidate cases that are assigned to different workers' compensation judges in the same district office, or that have not been assigned but are venued at the same district office, shall be referred to the presiding workers' compensation judge of that office, whether the cases involve the same injured worker or multiple injured workers.

(Cal. Code Regs., tit. 8, § 10398(a).)

Moreover, in exercising discretion as to whether to grant a Petition for Consolidation, a presiding judge will consider:

(1) Whether there are common issues of fact or law;

- (2) The complexity of the issues involved;
- (3) The potential prejudice to any party, including but not limited to whether granting consolidation would significantly delay the trial of any of the cases involved;
- (4) The avoidance of duplicate or inconsistent orders; and
- (5) The efficient utilization of judicial resources.

(Cal. Code Regs., tit. 8, § 10396(a).)

Given the authority cited above, the WCJ should have referred this issue to the presiding judge. Moreover, we note that no record has been created to enable the presiding judge to render a decision. Accordingly, we will grant reconsideration, rescind the WCJ's decision, and return this matter to the trial level for further proceedings consistent with this decision.

For the foregoing reasons,

**IT IS ORDERED** that reconsideration of the June 16, 2022 Order denying defendant's Petition for Consolidation is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the June 16, 2022 Order denying defendant's Petition for Consolidation is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ MARGUERITE SWEENEY, COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**August 19, 2022**

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

**ANGELICA AJPOP  
ARJUNA FARNSWORTH, ESQ.  
BLACK AND ROSE**

**PAG/abs**

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