

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

PETER CUEN, *Applicant*

vs.

WOOD GROUP; ACE AMERICAN INSURANCE COMPANY, *Defendants*

**Adjudication Number: ADJ10346285 ADJ11786898
San Francisco District Office**

**OPINION AND ORDER
DENYING PETITION
FOR 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 based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, former § 10843(a), now § 10955(a) (eff. Jan. 1, 2020).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 25, 2021

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

**AMERICAN HOME ASSURANCE
THE ARNS LAW FIRM
ATLANTIC PLANT MAINTENANCE
BOEHM ASSOCIATES
CARPENTERS HEALTH WELFARE
D W NICHOLSON CORP
EDD-SDI
ELECTRIC INSURANCE COMPANY
ESIS
KIRK & MYERS
LAUGHLIN FALBO
LAURA CHAPMAN
LIBERTY MUTUAL
LLOYD AUBRY
PEARLMAN BROWN
PETER CUEN
STOCKWELL HARRIS WOOLVERTON & HELPHREY
LAW OFFICE OF THOMAS J BURNS
WOOD GROUP
ZURICH**

PAG/00

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