

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

JENNA MCCOMBIE, *Applicant*

vs.

**REA-2003-1, LLC, A DELAWARE LIMITED
LIABILITY COMPANY, dba SADDLE RANCH CHOP HOUSE;
EMPLOYERS COMPENSATION INSURANCE COMPANY, *Defendants***

**Adjudication Numbers: ADJ10336948; ADJ10354411; ADJ10597290
Van Nuys District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

We previously granted reconsideration in order to allow us time to further study the factual and legal issues in this case. We now issue our Opinion and Decision After Reconsideration.

Applicant, in pro per, previously filed a Petition for Reconsideration of the August 6, 2019 Joint Findings of Fact & Order issued by the workers' compensation administrative law judge (WCJ). Therein, the WCJ found, as relevant here, that applicant did not meet her burden of proof that the employer violated Labor Code section 4553. Based on that finding, the WCJ ordered that applicant take nothing by way of her claim. On September 17, 2019, we issued an Opinion and Order Denying Petition for Reconsideration, adopting and incorporating the WCJ's August 27, 2019 Report and Recommendation of Workers' Compensation Administrative Law Judge on Petition for Reconsideration (Report) which recommended that we deny reconsideration.

On September 27, 2019, applicant, in pro per, filed correspondence dated September 23, 2019, entitled Request for WCAB Commissioner Clarification. Therein, applicant appears to contend that we erred in denying her Petition for Reconsideration filed on August 26, 2019 "despite lack of fulfillment/completion of my WCAB approved ADA accommodation of audio-tapes for review to properly move towards the next steps in my case." It appears that applicant also questioned whether we had reviewed her case and alleged that "until my approved accommodations are met/completed and audiotapes are obtained and reviewed by myself, I am

unable to PROPERLY FILE MY REQUEST FOR RECONSIDERATION.” (Petition for Reconsideration, at pp. 1-2, emphasis in original.)

We treated applicant’s correspondence as a timely Petition for Reconsideration of our September 17, 2019 decision and granted reconsideration by our November 25, 2019 Opinion and Order Granting Petition for Reconsideration and Order to Transcribe Trial Testimony. Therein, we stated “Applicant also raises that an ADA accommodation is required in this case. Although the record is unclear regarding the nature of the ADA accommodation cited to by applicant, out of an abundance of caution and in order to ensure a full and fair adjudication of applicant’s Petition for Reconsideration we will order the transcription of the July 23, 2019 trial.” A Transcript of Proceedings for the July 23, 2019 trial was entered into EAMS¹ on January 14, 2020. A notice of preparation of the Transcript of Proceedings was served on all parties on January 14, 2020.

We have carefully reviewed the transcript of proceedings, and conclude that it does not provide any basis to reject the WCJ’s Minutes of Hearing and Summary of Evidence (MOH/SOE) for the July 23, 2019 trial.

Accordingly, and for the reasons stated in our September 17, 2019 Opinion and Order Denying Petition for Reconsideration, which adopted and incorporated the WCJ’s August 27, 2019 report, we affirm our September 17, 2019 Opinion and Order Denying Petition for Reconsideration which affirmed the August 6, 2019 Joint Findings of Fact & Order.

¹ EAMS is an acronym for Electronic Adjudication Management System, a computerized system used by the Division of Workers’ Compensation (DWC) to store and maintain Appeals Board electronic case files. (See Cal. Code Regs., tit. 8, §§ 10269(p), 10215 et seq.)

Based on the foregoing,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that our September 17, 2019 Opinion and Order Denying Petition for Reconsideration is **AFFIRMED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 21, 2022

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

**JENNA MCCOMBIE, IN PRO PER
WOOD SMITH LAW FIRM**

PAG/abs

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