

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

VALERIE SPARR, *Applicant*

vs.

**CENTRALIA SCHOOL DISTRICT; CALIFORNIA INSURANCE GUARANTEE
ASSOCIATION FOR FREMONT INDEMNITY COMPANY, IN LIQUIDATION;
*Defendants***

**Adjudication Number: ADJ4452392 (ANA 0337118)
Santa Ana District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
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. Based on our review of the record, the petition is unverified and will be dismissed.

Labor Code section 5902 requires that a petition for reconsideration be verified. (Lab. Code, § 5902; see also Cal. Code Regs., tit. 8, § 10510(d).) In *Lucena v. Diablo Auto Body* (2000) 65 Cal.Comp.Cases 1425 (Significant Panel Decision), it was held that where a petition for reconsideration is not verified as required by section 5902, the petition may be dismissed if the petitioner has been given notice of the defect (either by the WCJ's report or by the respondent's answer) unless, within a reasonable time, the petitioner either: (1) cures the defect by filing a verification; or (2) files an explanation that establishes a compelling reason for the lack of verification and the record establishes that the respondents are not prejudiced by the lack of verification.

Here, the Petition for Reconsideration is not verified and notice of this defect was specifically given in defendant's Answer which was served on petitioner and filed in EAMS on December 6, 2021. Moreover, a reasonable period of time has elapsed, but petitioner has neither cured the defect by filing a verification nor offered an explanation of why a verification cannot be filed. Accordingly, we will dismiss the petition.

If we were not dismissing the petition for lack of verification, we would have denied it on the merits for the reasons stated in the WCJ's Report and Opinion on Decision, which we would have adopted and incorporated.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JANUARY 21, 2022

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

**INNOVATIVE MEDICAL MANAGEMENT
ALAMITOS BACK PAIN CENTER
GUILFORD, SARVAS & CARBONARA LLP
BOEHM & ASSOCIATES**

PAG/ara

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