

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

SHEILA COREY, *Applicant*

vs.

**CONTRA COSTA SUPERIOR COURT;
JBWCP, LEGALLY UNINSURED,
ADMINISTERED BY SEDGWICK, *Defendants***

**Adjudication Number: ADJ3697392
Oakland District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
DISQUALIFICATION**

We have considered the allegations of the Petition for Disqualification 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 in the WCJ's report, which we adopt and incorporate, we will dismiss the Petition for Disqualification.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 30, 2024

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

**SHEILA COREY, IN PRO PER
RTGR LAW LLP**

AS/mc

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

REPORT AND RECOMMENDATION ON PETITION FOR RECONSIDERATION

By untimely, verified petition filed on August 30, 2024, applicant seeks an action “to appoint a new judge” in this case, which arises out of an admitted back injury and was resolved in 2002 by a stipulated award of permanent disability indemnity and further medical treatment¹. Since that time, applicant, who is in propria persona, has attempted on multiple occasions to bring about a monetary settlement of her remaining right to medical care, and has been unsuccessful in persuading defendant to enter into such an agreement. I have been the judge assigned hearings (numbering eleven) since 2018. No trial has ever been scheduled, and no judge assigned for trial. I have determined to consider the instant petition one for disqualification. I will recommend that it be dismissed as both premature (as I have not been assigned as the trial judge) and as tardy (as no action has been taken within ten days of the filing of the petition).

Disqualification is governed by Cal. Code Regulations, Title 8, section 10960, authorized by Labor Code section 5311, which allows any party to object to the assignment of a given workers’ compensation judge for any of the reasons enumerated in Code of Civil Procedure section 641. There are seven such reasons. Of those, the first six simply do not apply, nor would appear that they could: I do not lack any of the qualifications of a juror; I have no consanguinity or affinity with any of the parties to this matter; I have no guardianship (etc.) or familial or partnership (etc.) relationship with any party; I have never served as a juror or witness in any trial between these parties; I have no interest in the outcome of the case; and I have formed no opinions on its merits. I simply have no knowledge of it, other than what is recited above from the pleadings. With respect to the last ground for disqualification, this concerns the “existence of a state of mind in the potential referee evincing enmity or bias toward either party.” I have none, and I do not believe that a reasonable person could perceive such a state of mind, so under other circumstances I would not recommend that the matter be transferred to another judge, and I would not recommend that I be disqualified were the petition timely and such action be permitted.

¹ The historic facts are based on inferences from available documents. The stipulations and award preceded the advent of EAMS (the Electronic Adjudication Management System, known as well by other names) and were not scanned into that system or retained.

Because those conditions are not present, however, I will recommend that the petition be dismissed.

RECOMMENDATION

I recommend that the petition be considered one for disqualification, and that it be dismissed.

Date: September 5, 2024

Respectfully submitted,

Christopher Miller

Workers' Compensation Judge