

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

**FRANCIS TRIEU, *Applicant***

**vs.**

**ATRIA SENIOR LIVING; SAFETY NATIONAL CASUALTY CORP., administered by  
GALLAGHER BASSETT SERVICES, *Defendants***

**Adjudication Number: ADJ16728179  
San Francisco District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION AND DENYING  
PETITION FOR REMOVAL**

Applicant Francis Trieu seeks reconsideration, or in the alternative removal, of the February 3, 2023 Order Changing Venue, wherein the workers' compensation administrative law judge (WCJ) found that defendant Safety National Casualty Corp.'s Petition for Change of Venue was timely and that the change of venue to the San Francisco District Office is proper pursuant to Labor Code sections 5501.5 and 5501.6.

Applicant contends that defendant's petition to change venue was filed more than 30 days after receipt of the notice of application and therefore the WCJ's order to change venue is not proper.

We received an answer from defendant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

We have considered the Petition for Reconsideration, the Answer, and the contents of the Report, and we have reviewed the record in this matter. Based on the Report, which we adopt and incorporate, we dismiss applicant's petition for reconsideration as the February 3, 2023 Order Changing Venue is not a final order, and deny applicant's petition for removal because applicant has not shown significant prejudice or irreparable harm.

We admonish applicant's counsel for misrepresenting that applicant was not given due process and an opportunity to be heard on the issue of a change of venue for good cause under

Labor Code, section 5501.6.<sup>1</sup> Applicant raised the issue of section 5501.6 in his Objection to Defendant's Petition for Change of Venue and a hearing was held on February 2, 2023 on section 5501.5(c) as well as section 5501.6. (Minutes of Hearing dated February 2, 2023.)

We further admonish applicant's counsel for misrepresenting its home office and making false statements about being unfamiliar with the San Francisco district office. First, as pointed out by the Report, applicant's counsel is representing applicant in a companion case, ADJ14603103, in the San Francisco district office. Second, applicant's counsel's corporate office is in Irvine, California, which corresponds to the Santa Ana district office. Although applicant's counsel also has an office in Pasadena, California, the Los Angeles district office serves that location. (See <https://www.dir.ca.gov/asp/DWCzip.ASP>.) The Van Nuys district office, the district office applicant's counsel seeks venue in, does not serve the zip codes in applicant's counsel's Irvine office or Pasadena office.

Lastly, we admonish applicant's counsel for failing to use the standard Fee Disclosure Statement (DWC Form 3), which contains the required disclosure in section 4906(e) and (g)(1). Applicant's counsel used its own Fee Disclosure Statement in violation of section 4906(e), and despite the fact that applicant's counsel had applicant sign a Venue Authorization, applicant's counsel's Fee Disclosure Statement fails to contain the required disclosure per section 4906(g)(1).

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<sup>1</sup> All future statutory references are to the Labor Code unless otherwise indicated.

For the foregoing reasons,

**IT IS ORDERED** that applicant Francis Trieu's Petition for Reconsideration of the February 3, 2023 Order Changing Venue is **DISMISSED**.

**IT IS FURTHER ORDERED** that applicant Francis Trieu's Petition for Removal of the February 3, 2023 Order Changing Venue is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**



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

**April 28, 2023**

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

**FRANCIS TRIEU  
SHATFORD LAW  
YOUNG, COHEN & DURRETT, LLP**

***LSM/pc***

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