

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

JARRED BROWN, *Applicant*

vs.

INTEGRITY FLORRING; MARKEL SERVICES, *Defendants*

**Adjudication Number: ADJ7551953
Oakland District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Applicant requests removal in response to a stipulation that was approved by a workers' compensation administrative law judge (WCJ) on April 11, 2022. The April 11, 2022, agreement is as follows;

Applicant agrees to submit to deposition set by defendant, when QME and/or vocational evaluations are scheduled. Issues covered in deposition will not involve AOE COE or earnings for TD which have been previously determined by the Court.

The date and site of deposition will be coordinated by parties. WCAB retains jurisdiction if objections arise over deposition subject matter.

Applicant contends that he will be irreparably harmed because defendants do not have good cause for a second deposition because at the present time there is no controversy requiring additional testimony.

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 for the reasons stated below, we will dismiss the petition.

Applicant characterizes the April 11, 2022, order approving the stipulation as an order to take additional testimony. However, the parties stipulated that applicant's deposition would be set after either a QME exam or a vocational evaluation. Given that there is no evidence in the record that a QME or vocational evaluation has taken place, or that defendant has attempted to set applicant's deposition, this dispute is not ripe and cannot be resolved at this time. Therefore, we will dismiss applicant's petition.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

March 22, 2023

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

**JARRED BROWN
ELDER & BERG
D'ANDRE LAW, LLP**

MWH/mc

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