

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

BALBIR SINGH, *Applicant*

vs.

**UNIVERSAL PROTECTION SERVICE; dba as ALLIED UNIVERSAL, LLP;
XL AMERICA, INC., adjusted by ESIS, INC, *Defendants***

**Adjudication Numbers: ADJ19694191; ADJ19694209
Lodi District Office**

**OPINION AND ORDER
GRANTING PETITION
FOR REMOVAL
AND DECISION
AFTER REMOVAL**

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 in the WCJ's report, which we adopt and incorporate, we will grant the Petition for Removal, rescind the WCJ's decision, and return this matter to the WCJ for further proceedings and decision.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal of the decision of February 4, 2025 is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the decision of February 4, 2025 is **RESCINDED** and that the matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 3, 2025

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

**BALBIR SINGH
DASH & PORT, LLP
LAUGHLIN, FALBO, LEVY & MORESI, 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*

JOINT REPORT AND RECOMMENDATION ON PETITION FOR REMOVAL

I

INTRODUCTION

- | | |
|------------------------------|---|
| 1. Applicant's Occupation: ` | Security |
| 2. Applicant's Age: | 68 |
| 3. Dates of injury: | 7/10/2024; 5/20/2020 to 7/14/2024 |
| 4. Parts of Body Injured: | back, knees, legs, diabetes(internal) |
| 5. Identity of Petitioner: | Applicant |
| 6. Timeliness: | The petition was timely filed. |
| 7. Verification: | A verification is not attached. |
| 8. Date of Order: | 2/4/2025 |
| 9. Petitioner's contention-: | Defendant's Petition for Change of venue is untimely. |

II

JURISDICTIONAL FACTS

The Applicant, Balbir Singh, while employed on 7/10/2024 and during the period 5/20/2020 through 7/14/2024 as a Security at Stockton, California by Universal Protection Service LP, claims to have sustained injury arising out of and in the course of his employment to his back, knees, legs, diabetes/internal.

The WCAB served the Notices of Application on all parties for both cases on 8/16/2024. Defendant's legal representative filed a Joint Petition to Change Venue pursuant to Labor Code Section 5501.5 on 9/27/2024 for both cases at issue. There was no objection filed by Applicant to the Joint Petition to Change Venue. The WCJ issued a Joint Order Changing Venue to the Lodi Worker's Compensation Appeals Board on 2/4/2025 and the Order was served on Defendant who was delegated to serve the Order on 2/13/2025. Applicant filed an unverified Petition for Removal re the Order changing venue to Lodi on 2/21/2025. Defendant filed a verified Answer to Petition for Removal on 3/5/2025.

For some unknown reason, the Petition for Removal was not reviewed by the undersigned WCJ. My sincerest apologies to the parties and any inconvenience that this delay may have caused. As a result of the WCJ's failure to identify the Petition as one for Removal, neither a timely report and recommendation nor action within the statutory time frame set forth in CCR Section 10955 occurred. It is therefore requested that the Petition for Removal be granted and the matter be returned to the WCJ so that the Petition for Removal may be addressed appropriately.

III

DISCUSSION

A Petition for Removal is an extraordinary remedy, rarely exercised by the appeals Board, and is generally available only where the petitioner has established that substantial prejudice or irreparable injury will result if removal is not granted. Swedlow, Inc. v WCAB (Smith) (1983) 48 CCC 476 (writ denied); Lubin v. Berkeley East Convalescent Hospital (1976) 41 CCC 283 (Board Panel); Hardesty v. McCord & Holdren, Inc. et. al. (1976) 41 CCC 111 (Board En Banc). Further CCR section 10955 requires a showing that reconsideration will not be an adequate remedy after issuance of a final order, decision or award.

While it is this WCJ's opinion that the Petition for Removal fails to set forth that the Order dated 2/4/2025 will result in significant prejudice, or irreparable harm, or demonstrated that reconsideration would not be an adequate remedy, the WCJ is unable to act as she no longer has jurisdiction to do so. Therefore, the WCJ humbly requests that the WCAB remand this matter back the WCJ to address accordingly.

IV

RECOMMENDATION

As the Petition for Removal was not addressed in a timely manner for the reasons set forth above, it is respectfully recommended that the Petition Removal be granted and the matter be remanded back to the undersigned WCJ to address accordingly.

Respectfully submitted,

Date: 3/19/2025

CIRINA A. ROSE
Workers' Compensation Judge