

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

CECILIA GALLEGOS, *Applicant*

vs.

**NATIONAL CONSTRUCTION RENTALS;
ARCH INSURANCE GROUP INC., administered by
SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ16364562
Los Angeles District Office**

**OPINION AND ORDER
DENYING PETITION
FOR 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 based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, § 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).)

Here, at the mandatory settlement conference on September 4, 2024, the WCJ noted defendant's objection to setting the matter for trial in the Minutes and indicated in the Comments that "trial judge will determine whether medical record is sufficient." In its Petition for Removal, defendant contends that the cross-examination of the qualified medical evaluator must take place before the parties proceed to trial.

As explained by the WCJ in the Report, once the parties proceed to trial, they will have an opportunity to submit relevant evidence, cross-examine witnesses, present legal arguments, and otherwise create a record. The trial WCJ can then consider the evidence and the legal arguments raised by the parties and determine how best to proceed. Thus, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied.

Accordingly, we deny the Petition for Removal.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

July 16, 2025

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

**CECILIA GALLEGOS
HEFLEY LAW, APC
LEE LEGAL**

AS/mc

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