

WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

DASA JENDRUSAKOVA, *Applicant*

vs.

**OXNARD UNION HIGH SCHOOL DISTRICT, permissibly self-insured,
administered by ATHENS ADMINISTRATORS, *Defendants***

Adjudication Number: ADJ18981707
Oxnard District Office

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

Applicant has filed a petition for removal from the order quashing applicant's subpoena issued on June 2, 2025, by the workers' compensation administrative law judge (WCJ), and served by defendant on November 5, 2025.¹

Applicant contends that the defendant's objections to the subpoena are boilerplate and procedurally defective.

We have received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we grant removal, rescind the order, and return this matter to the trial level for a hearing.²

We have considered the allegations of the Petition for Removal and the contents of the WCJ's Report. Based on our review of the record we will grant removal and as our Decision After Removal, we will rescind the order quashing applicant's subpoena issued on June 2, 2025 and return this matter to the trial level to create a record.

¹ We admonish defendant, Tobin Lucks, that in the future, when service is designated pursuant to WCAB Rule 10629, defendant should serve and file a proof of service within 10 days. (Cal. Code Regs., tit. 8, § 10629(d).)

² It appears that the final line of the Report, which recommends that removal be denied, is a typographical error as the body of the report recommends granting the petition.

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, the WCJ granted defendant's request for an order to quash a subpoena. The WCJ notes in the Report that this order issued without a record in support and requests that we return this to the trial level to create a record.

Decisions of the Appeals Board "must be based on admitted evidence in the record." (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, decisions of the Appeals Board must be supported by substantial evidence. (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ's decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10761.)

Accordingly, and pursuant to the WCJ's Report, we grant removal and as our Decision After Removal, we rescind the order quashing applicant's subpoena issued on June 2, 2025 and return this matter to the trial level to create a record.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the order quashing applicant's subpoena issued on June 2, 2025, by the WCJ is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the order quashing applicant's subpoena issued on June 2, 2025, by the WCJ is **RESCINDED**.

IT IS FURTHER ORDERED that this matter is **RETURNED** to the trial level for further proceedings.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 23, 2025

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

**DASA JENDRUSAKOVA
LAW OFFICE OF PAUL CRILLEY
TOBIN LUCKS**

EDL/mt

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