

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

**DAVID LIVINGSTON, *Applicant***

**vs.**

**TAHLEQUAH STEEL INCORPORATED and STATE COMPENSATION INSURANCE  
FUND; BLI INC DBA BLI PAYROLL SOLUTIONS INSUR AND BLI INS SOLUTIONS  
INC., and EVEREST NATIONAL INSURANCE COMPANY administered by  
AMERICAN CLAIMS MANAGEMENT; SOUTHEAST PERSONNEL LEASING, INC.  
and STATE NATIONAL INSURANCE by PACKARD CLAIMS ADMINISTRATION,  
*Defendants***

**Adjudication Numbers: ADJ9997985; ADJ9997986; ADJ10037755  
(Van Nuys District Office)**

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

Applicant seeks reconsideration of the “Order Imposing Sanctions against Craig Glass and Glass Law Group” pursuant to Labor Code section 5813<sup>1</sup> and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421) issued by a workers’ compensation administrative law judge (WCJ) on August 27, 2025. The WCJ found in pertinent part that applicant’s attorneys delayed the case unnecessarily and ordered applicant’s attorneys to pay jointly and severally sanctions of one hundred and twenty-five dollars (\$125.00) to the General Fund.

Applicant contends that defendant’s service of the August 5, 2025 Second Amended Petition for Sanctions per Labor Code section 5813 (Second Amended Petition for Sanctions) was

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<sup>1</sup> All further references are to the Labor Code unless otherwise noted.

defective because it was sent to the wrong address,<sup>2</sup> and disputes that applicant's attorneys have unreasonably delayed prosecution of this case.

We have not received an Answer from defendant. The WCJ filed a Report and Recommendation on the Petition for Reconsideration (Report) recommending that we deny reconsideration.

We have considered the allegations of the Petition for Reconsideration and the contents of the Report of the WCJ with respect thereto. Based on our review of the record, and for the reasons discussed below, we will grant applicant's Petition for Reconsideration, rescind the Order Imposing Sanctions and return the matter to the WCJ for further proceedings consistent with this decision.

### **BACKGROUND**

On May 1, 2023, applicant filed a Substitution of Attorneys naming Glass Law as his new attorneys of record, with a mailing address of 22033 Clarendon Street, Suite 103, Woodland Hills, California, 91367.

As of July 24, 2024, the official address of record for service on Glass Law was changed to 22120 Clarendon Street, Suite 200, Woodland Hills, California, 91367.

On August 5, 2025, defendant filed the Second Amended Petition for Sanctions served applicant's attorneys at 22033 Clarendon Street, Suite 103, Woodland Hills, California, 91367.

One day later, on August 6, 2025, the WCJ issued a Notice of Intention to Issue Sanctions (NIT) against applicant's attorneys "Craig Glass and Glass Law Group" of \$975.00. The NIT stated in pertinent part that:

In this case, Craig Glass failed to complete service of process on the Secretary of State and seek joinder of the Uninsured Employers Benefits Trust Fund despite providing assurances to the undersigned WCJ that he would do so. Due to the extraordinary delay, the undersigned WCJ believes that Craig Glass has no intention to complete this ministerial act causing undue prejudice against the Defendants seeking adjudication of their respective rights and obligations.

According to attached proof of service, applicant's attorneys were served by the WCAB at 22033 Clarendon Street, Suite 103, Woodland Hills, California, 91367.

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<sup>2</sup> The record does not contain a proof of service for the Second Amended Petition for Sanctions. According to the proof of service that was attached to the Second Amended Petition for Sanctions, defendant served a Petition for Dismissal of Claim and Proposed Order on August 5, 2025. (Second Amended Petition for Sanctions, at p. 85.)

On August 14, 2025, defendant served the August 6, 2025 NIT on applicant's attorneys at 22033 Clarendon Street, Suite 103, Woodland Hills, California, 91367.

On August 25, 2025 applicant's attorney Monica Fairwell at Glass Law Group filed and served an Objection to Notice of Intent to Order Sanctions on behalf of Glass Law Group with attached documents regarding their attempts to serve. She asserted in relevant part:

...Applicant's attorney first became aware of a request for sanctions by defendants from WCJ Pollak's notice of intent for sanctions because **defendants failed to properly serve applicant's attorney with their petition for sanctions.**

Defendants served applicant's attorney prior address instead of the correct EAMS address. Had defendants served applicant's attorney with their petition, we would have contacted them to provide the information of the ongoing efforts to join UEBTF and applicant's attorney would have issued an objection.

(Objection to Notice of Intent to Order Sanctions, at p. 2:40-46.)

On August 27, 2025, the WCJ issued the Order Imposing Sanctions against applicant's attorney Craig Glass and Glass Law Group of \$125.00. In the Order, the WCJ stated in relevant part that:

On August 26, 2025, Monica Fairwell from Glass Law Group, filed her objection dated August 26, 2025. In her objection, she claimed that she was under the false pretense that Mr. Glass needed to serve Guy Barton, the deceased chief executive officer and sole owner of Tahlequah Steel, Inc., (2:15-16) and sought to retain the Haas Law Corporation to locate the estate of Guy Barton in order to serve the trustee of his estate (2:17-20) making multiple failed attempts to contact that individual. (2:21-24). She attempts to deflect any responsibility on the Defendants (2:36-39) and generally to the Uninsured Employers Benefits Trust Fund. (2:27-31)

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. . . it is not Mr. Glass's role to seek and serve the trustee of the estate of Guy Barton where service of process is perfectible on the Secretary of State. Given his experience as a retired workers' compensation judge, Mr. Glass should be aware of the applicable legal standards. As a result, he has delayed this case unnecessarily.

However, having determined that Mr. Glass was active in this case, despite his unnecessary detour, it is appropriate to reduce the sanctions in this case. . . .

It is from this Order Imposing Sanctions that applicant's attorneys seek reconsideration.

## DISCUSSION

### I.

Former section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

- (a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.
- (b)
  - (1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.
  - (2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on September 16, 2025 and 60 days from the date of transmission is Saturday, November 15, 2025. The next business day that is 60 days from the date of transmission is Monday, November 17, 2025. (See Cal. Code Regs., tit. 8 § 10600(b).)<sup>3</sup> This decision was issued by or on November 17, 2025, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides

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<sup>3</sup> WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers’ Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the WCJ, the Report was served on September 16, 2025, and the case was transmitted to the Appeals Board on September 16, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by section 5909(b)(1) because service of the Report in compliance with section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on September 16, 2025.

## II.

It is well established that decisions by 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].) “The term ‘substantial evidence’ means evidence which, if true, has probative force on the issues. It is more than a mere scintilla, and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion...It must be reasonable in nature, credible, and of solid value.” (*Braewood Convalescent Hospital v. Workers' Comp. Appeals Bd (Bolton)* (1983) 34 Cal.3d 159, 164 [48 Cal.Comp.Cases 566], emphasis removed and citations omitted.)

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).) 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, § 10787.) “It is the responsibility of the parties and the WCJ to ensure that the record is complete when a case is submitted for decision on the record. At a minimum, the record must contain, in properly organized form, the issues submitted for decision, the admissions and stipulations of the parties, and admitted evidence.” (*Hamilton, supra*, 66 Cal.Comp.Cases at p. 475.) The WCJ's decision must “set[] forth clearly and concisely the reasons for the decision made on each issue, and the

evidence relied on,” so that “the parties, and the Board if reconsideration is sought, [can] ascertain the basis for the decision[.] . . . For the opinion on decision to be meaningful, the WCJ must refer with specificity to an adequate and completely developed record.” (*Id.* at p. 476, citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal. 2d 753, 755 [33 Cal.Comp.Cases 350]).)

The Appeals Board has the discretionary authority to develop the record when the record does not contain substantial evidence or when appropriate to provide due process or fully adjudicate the issues. (§§ 5701, 5906; *Tyler v. Workers’ Comp. Appeals Bd.* (1997) 56 Cal.App.4th 389, 394 [65 Cal. Rptr. 2d 431, 62 Cal.Comp.Cases 924] [“The principle of allowing full development of the evidentiary record to enable a complete adjudication of the issues is consistent with due process in connection with workers' compensation claims.”]; see *McClune v. Workers’ Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117 [72 Cal. Rptr. 2d 898, 63 Cal.Comp.Cases 261]; *Rucker v. Workers’ Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805]; *Gangwish v. Workers’ Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584].)

The Appeals Board also has a constitutional mandate to “ensure substantial justice in all cases.” (*Kuykendall v. Workers’ Comp. Appeals Bd.* (2000) 79 Cal.App.4th 396, 403 [65 Cal.Comp.Cases 264].) The Board may not leave matters undeveloped where it is clear that additional discovery is needed. (*Id.* at p. 404.)

All parties in workers’ compensation proceedings retain their fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker, supra*, 82 Cal.App.4th at pp. 157-158.) As stated by the Supreme Court of California in *Carstens v. Pillsbury* (1916) 172 Cal. 572, 577:

[The] commission,...must find facts and declare and enforce rights and liabilities,--in short, it acts as a court, and it must observe the mandate of the constitution of the United States that this cannot be done except after due process of law.

Due process guarantees all parties the right to notice of hearing and a fair hearing. (*Rucker, supra*, 82 Cal.App.4th at pp. 157-158.) A fair hearing includes, but is not limited to, the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (See *Gangwish, supra*, 89 Cal.App.4th at p. 1295; *Rucker, supra*, at pp. 157-158, citing *Kaiser Co. v. I.A.C.* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin, supra*, 5 Cal.App.4th at p. 710.)

First, we emphasize that defendant's Second Amended Petition lacked a valid proof of service. Next, the Second Amended Petition, the NIT, and the resulting Order imposing sanctions were served at an incorrect address for applicant's attorneys so that there was no valid service. Thus, the NIT was void ab initio, and the Order based on the NIT is void as well.

Even if the Petition, the NIT and the Order had been properly served, we are unable to provide meaningful review due to the lack of a record. We emphasize that the Petition is not evidence, and there is no summary judgement in workers' compensation cases. (Cal. Code Regs., tit. 8, § 10515.) Upon receipt of defendant's August 5, 2025 Petition, if the WCJ wished to take action on it, he should have set the matter for hearing. Instead, in the NIT he makes vague references to applicant's attorney Mr. Glass "providing assurances to the undersigned WCJ that he would [effect service]," with no identification of the date of such assurances and no reference to any evidence. This statement by the WCJ is likely enough to have rendered the NIT void, even if properly served, because it is not based on an evidentiary record and does not state with particularity what occurred, thereby violating due process.

Moreover, based on the Objection and the allegations by applicant's attorney Ms. Fairwell, she was endeavoring to carry out service, and not Mr. Glass, the person to whom the WCJ referred in the NIT. Once the WCJ received the Objection with its attached documents, the WCJ should have set the matter for hearing to clarify the proper person responsible and because the documents are not in evidence. Instead, he imposed sanctions against "Craig Glass" and "Glass Law Group" jointly and severally, despite no response from Mr. Glass to the NIT.

In the Order, he takes issue Ms. Fairwell's actions, despite the lack of an evidentiary record, and he goes on to refer to Mr. Glass' experience and that "he should be aware of the applicable legal standards." This blurring of the roles of the person responsible is another example of the lack of an evidentiary record and the failure to identify with particularity the conduct that was frivolous or intended to cause delay, and could be another basis to conclude that the Order was void. That is, the alleged offending party, applicant's attorney Mr. Glass, appears to have not been given the proper notice or opportunity to be heard on this issue, which is required before sanctions may be imposed. (Cal. Code Regs., tit. 8, § 10421.)

In sum, an evidentiary record, a proper notice identifying the person responsible and the alleged conduct with particularity, and an opportunity to be heard are all required. We return the matter to the district office so that the Second Petition Amended Petition for Sanctions may be addressed in the first instance, in order to create a complete record upon which findings and decisions may be based.

Accordingly, we grant applicant's Petition for Reconsideration, rescind the August 27, 2025 Order of the WCJ Imposing Sanctions and return the matter to the district office for further proceedings consistent with this decision.



For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Reconsideration in response to the Order imposing sanctions issued on August 27, 2025 by the WCJ is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the August 27, 2025 Order Imposing Sanctions against Craig Glass and Glass Law Group is **RESCINDED** and the matter is **RETURNED** to the district office for further proceedings consistent with this opinion.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSÉ H. RAZO, COMMISSIONER



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

**November 14, 2025**

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

**DAVID LIVINGSTON  
GLASS LAW GROUP  
CBE LAW GROUP  
STATE COMPENSATION INSURANCE FUND  
ALBERT AND MACKENZIE**

**SL/abs**

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