

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

JORJE LUIS MARTINEZ, *Applicant*

vs.

**AUGUSTINE SPECIALTY FINISHING;
OMAHA NATIONAL INSURANCE COMPANY, *Defendants***

**Adjudication Numbers: ADJ20858483, ADJ20601502
Los Angeles District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

On June 18, 2025, applicant filed a Petition for Removal from the May 29, 2025 decision of the workers' compensation administrative law judge (WCJ), which continued an expedited hearing to a regular trial date, which was set for June 18, 2025.

We have received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal and consider the issue of sanctions.

Following the filing of applicant's petition, at the hearing on June 18, 2025, the parties agreed to a joint continuance with a discovery plan in place. Accordingly, the Petition for Removal will be dismissed as the issue is now moot.

We strongly admonish applicant's attorney, Susan Garrett of Garrett Law Group, P.C., that once a party has knowledge that an issue has become moot, it is incumbent upon that party to timely withdraw pending petitions on the moot issue. Requiring an order of dismissal to issue by the court wastes judicial resources and causes unnecessary delay, which could be construed as either frivolous or bad faith tactics. (Lab. Code, § 5813.)

We have seriously considered the issue of sanctions, but do not take up that issue at this time, however, should applicant's attorney continue with conduct that could be found as bad faith and/or frivolous, the WCJ may address the issue of sanctions at the trial level.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal of the order of continuance issued by the WCJ on May 29, 2025, is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 21, 2025

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

**JORGE LUIS MARTINEZ
GARRETT LAW GROUP
EM LEGAL**

EDL/mt

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