

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

JOSE IRIZARRY, *Applicant*

vs.

**AT&T MOBILITY SERVICE, permissibly self-insured,
administered by SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ11109593
Long Beach District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Applicant seeks removal of the Opinion and Order Denying Petition for Disqualification issued by the Workers' Compensation Appeals Board on September 12, 2025.

Applicant seeks, in substance, to reargue the merits of the original petition for disqualification, which we have already denied.

We have not received an answer from defendant.

We have considered the allegations of the Petition for Removal and will dismiss the petition as it is a successive petition relitigating the exact same issue which was previously decided.

Petitions for disqualification are handled in the same manner as petitions for reconsideration. (Cal. Code Regs., tit. 8, § 10960.)

A petitioning party cannot attack an Appeals Board decision through another petition for reconsideration. Successive petitions such as this, are simply not allowed and may constitute frivolous or bad faith conduct. (See *Crowe Glass Company v. Industrial Acc. Com. (Graham)* (1927) 84 Cal. App. 287; *Navarro v. A&A Farming* (2002) 67 Cal.Comp.Cases 296, 299–300 (Appeals Board en banc)). A party aggrieved by an Appeals Board decision on disqualification must petition for a writ of review to the Court of Appeal. However, it would appear that the time for applicant to seek review of the September 12, 2025 order denying disqualification has passed.

We admonish attorney John C. Gutierrez (CA BAR# 108981) that the filing of successive petitions may result in the imposition of costs and/or sanctions.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal of the Opinion and Order Denying Petition for Disqualification issued by the Workers' Compensation Appeals Board on September 12, 2025, is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

NOVEMBER 17, 2025

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

**JOSE IRIZARRY
RUDY LOPEZ, ESQ.
DEFENDERS LAW CORP
STEPHEN KWAN, ESQ.
JOHN C. GUTIERREZ, ESQ.**

EDL/mc

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