

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

KATRINA RUDGE, *Applicant*

vs.

**BANK OF AMERICA, permissibly self-insured,
administered by SEDGWICK, *Defendants***

**Adjudication Numbers: ADJ2844511 (SAC 0246782), ADJ911186 (SAC 0246784),
ADJ3808834 (SAC 0246783)
Sacramento District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Applicant has filed a petition for removal from the Minutes of Hearing dated August 28, 2025 and issued on September 3, 2025, by the workers' compensation administrative law judge (WCJ).

Applicant contends that the comments contained on the minutes of hearing should not have been put on the minutes.

We have not received an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal, among other reasons, because the petition was not timely filed nor verified.

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 dismiss the Petition for Removal as it was not timely filed.

Pursuant to WCAB Rule 10955, a petition for removal must be filed within 20 days after the service of the order or decision, or of the occurrence of the action in issue. (Cal. Code Regs., tit. 8, § 10955(a).) Here, the Petition for Removal was filed on October 6, 2025, however, the minutes were served on September 3, 2025. Including five days for mailing (Cal. Code Regs., tit. 8, § 10605), the petition should have been filed on or before September 29, 2025. As the petition is untimely, the petition will be dismissed.

However, even if applicant had timely filed the petition, we would otherwise dismiss the petition as applicant failed to establish any basis for 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).)

The comments contained upon the minutes are not orders of the WCJ and have no legal impact upon the case. The only order that issued on the August 28, 2025 Minutes is to take the matter off calendar. Applicant does not object to that order. Thus, even if we reviewed the petition on the merits, we would dismiss the petition.

Accordingly, we dismiss the Petition for Removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from Minutes of Hearing dated August 28, 2025, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

December 11, 2025

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

**KATRINA RUDGE
LAUGHLIN FALBO LEVY & MORESI**

EDL/mt

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