

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

LORETTA NEWMAN, *Applicant*

vs.

**UCLA MEDICAL CENTER, PSI; administered by
SEDGWICK CLAIMS MANAGEMENT SERVICES, *Defendants***

**Adjudication Number: ADJ2209220 (MON0191373)
Marina Del Rey District Office**

**OPINION AND ORDER DISMISSING
PETITION FOR RECONSIDERATION AND
DENYING PETITION FOR REMOVAL**

Lien claimant David Silver, M.D. (lien claimant) seeks reconsideration or in the alternative, removal of the Findings of Fact and Order (F&O) issued by a workers' compensation administrative law judge ("WCJ") on October 9, 2024. The WCJ found no merit to lien claimant's petition and supplemental petition to deny the appearance of legal representatives ClaimLogix and Ronald Lawrence Snider for defendant UCLA Medical Center and ordered that lien claimant's petition dated September 18, 2023 and supplemental petition dated April 28, 2024, be denied.

Lien claimant contends that no contract existed authorizing ClaimLogix or Mr. Snider (the representatives) to represent defendant UCLA Medical Center, and therefore, Sedgwick Claims Management Services (Sedgwick) could not delegate its authorization to appear on behalf of the real party defendant UCLA Medical Center to the representatives; that Sedgwick's delegation to the representatives violates WCAB Rule 10390 (Cal. Code Regs., tit. 8, § 10390); and, that Sedgwick's delegation is not permitted by Title 10, California code of Regulations, Rule 2592.01, subdivision (b).

Sedgwick did not file an answer to the petition; the WCJ filed a Report and Recommendation on Petition for Removal/Reconsideration and Notice of Transmittal (Report) recommending that the petition be denied.

We have reviewed the record in this matter, the allegations of the petition and the contents of the Report. Based on the reasons set forth below and the contents of the Report, which we adopt

and incorporate herein, we dismiss the petition for reconsideration and deny the petition for removal.

I.

Former Labor Code 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, Labor Code 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 Labor Code 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 November 5, 2024, and 60 days from the date of transmission is Saturday, January 4, 2025. The next business day that is 60 days from the date of transmission is Monday, January 6, 2025. (See Cal. Code Regs., tit. 8, § 10600(b).)¹ This decision is issued by or on Monday, January 6, 2025, so that we have timely acted on the petition as required by Labor Code section 5909(a).

Labor Code 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

¹ 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.”

provides 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. Labor Code 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 workers' compensation administrative law judge, the Report was served on November 5, 2024, and the case was transmitted to the Appeals Board on November 5, 2024. 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 Labor Code section 5909(b)(1) because service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on November 5, 2024.

II. PETITION FOR RECONSIDERATION

A petition for reconsideration may properly be taken only from a “final” order, decision, or award. (Lab. Code, §§ 5900(a), 5902, 5903.) “An order, decision, or award of the WCAB or workers' compensation judge is final for purposes of a petition for reconsideration where it determines any substantive right or liability of those involved in the case.” (*Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1180 [260 Cal.Rptr. 76] quoting *Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd. (Kramer)* (1978) 82 Cal.App.3d 39, 45 [43 Cal.Comp.Cases 661, 665]; see also, *Safeway Stores, Inc. v. Workers' Comp. Appeals Bd. (Pointer)* (1980) 104 Cal.App.3d 528, 534-535 [45 Cal.Comp.Cases 410, 413].) An order may also be “final” when it determines a “threshold” issue fundamental to the claim for benefits. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1070, 1075 [65 Cal.Comp.Cases 650, 650-651, 655-656].)

Threshold issues include, for example, whether a workers' compensation injury arises out of and in the course of employment (Lab. Code, § 3600); the presumption of compensability (Lab. Code, § 5402); jurisdiction of the appeals board; whether there exists an employment relationship; or the statute of limitations. (*Maranian, supra*, 81 Cal.App.4th at pp. 1080-1081; *Safeway, supra*, at pp. 533, 537, fn. 4.) However, “[t]he fact that an issue is significant or important to the litigation is not sufficient to support a finding that it is a threshold issue.” (*Hikida v. Workers' Comp. Appeals Bd.* (2017) 12 Cal.App.5th 1249, 1256.) The Court in *Maranian* also noted that “whether an issue

may later become moot after a full determination of benefits does not determine the availability of review under the statutory scheme.” (*Maranian, supra*, 81 Cal.App.4th at p. 1075, fn. 5.)

Interim procedural and discovery orders are not final orders because they do not finally determine questions of the parties’ substantive rights or liabilities, nor do they finally determine a threshold issue basic to the employee’s right to benefits. (*Maranian, supra*, 81 Cal.App.4th at p. 1075; *Rymer, supra*, 211 Cal.App.3d at 1180; *Kramer, supra*, 82 Cal.App.3d at 45; see *Capital Builders Hardware, Inc. v. Workers’ Comp. Appeals Bd. (“Gaona”)* (2016) 5 Cal.App.5th 658, 660.)

Here, the F&O is an interim procedural order denying the lien party’s attempt to interfere in the choice of representation of another party’s chosen and authorized agent (i.e., Sedgwick) for the administration of this claim. The F&O contains no finding of fact or order *finally* determining any substantive right or liability of any party, nor *finally* determining any threshold issue basic to any party’s right to benefit. In fact, the F&O does not relate in any way to the substantive rights or liabilities between lien claimant and defendant in these lien proceedings.

Even so, lien claimant filed a petition in the alternative for reconsideration or removal. The recent en banc decision issued by the Appeals Board in *Ledezma v. Kareem Cart Commissary and Mfg.* (2024) 89 Cal.Comp.Cases 549 (Appeals Bd. en banc), reaffirmed that filing alternative petitions for reconsideration and/or removal “is not a general pleading practice,” and when filed on interlocutory orders, such practice may be considered “frivolous and filed for the purposes of delay in violation of section 5813 and WCAB Rule 10421.” (*Id.*, at pp. 555-556.) Given that the language related to final orders and interlocutory orders as it relates to the filing of reconsideration “has been used in dozens, if not hundreds of panel decisions issued by the Appeals Board...,” we can see no reason for defendant’s alternative filing of a petition for reconsideration in this matter. (See *Ledezma (Alfredo) v. Kareem Cart Commissary and Mfg* (2024) 89 Cal.Comp.Cases 462, 476 (Appeals Board en banc).)

Although the record in this lien matter is replete with delay caused by *both* parties, it does appear that defendant ultimately blinked first and agreed to finally move forward to a merits hearing on lien claimant’s lien. Lien claimant, unable to let go of the fight, has now brought it to the Appeals Board on a petition filed in the alternative on a clearly interlocutory order. Given the record in this matter, it could appear that lien claimant intentionally filed its petition in the alternative to *further* delay the merits hearing on its lien.

We therefore strongly admonish lien claimant's non-attorney representative Dan Escamilla and Legal Service Bureau, to abide by the Labor Code, the WCAB Regulations, and the precedent law in general and specifically as it relates to when a petition for reconsideration may properly be taken, i.e., from a final order, decision, or award, and that violators may be subject to sanctions (Lab. Code, § 5813; Cal. Code Regs., tit. 8, § 10421).

We dismiss the Petition for Reconsideration as the F&O contains no finding of fact or final order *finally* determining any substantive right or liability of any party, nor *finally* determining any threshold issue basic to applicant's (or any party's) right to benefit. As such, the F&O is not a final order and is thus not subject to reconsideration.

III. PETITION FOR REMOVAL

We deny removal for the reasoning and evidence set forth in the Report, which is adopted and incorporated herein, and which includes reference to the WCJ's Opinion on Decision as follows:

Lien Claimant's Petition and Supplemental Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as Non-attorney Representative of Defendant:

It is important to point out that Lien Claimant repeatedly, in its Petition and Supplemental Petition, referred to ClaimLogix as "ClaimsLogix," which is incorrect according to the Amended Notice of Representation, dated February 16, 2022 (Joint Exhibit Z).

In Lien Claimant's Petition, Lien Claimant is seeking to deny the appearance of ClaimLogix and/or Ronald Lawrence Snider as non-attorney representative for defendant. Lien Claimant made a request under the California Public Records Act and obtained an email from UCOP CPRA Office, dated August 22, 2023, which states that there was no contract "between CLAIMSLOGIX or Ronald Lawrence Snider and the UCLA Medical Center or any claims administrator of this public entity" [Emphasis added] (Exhibit 8). However, the spelling of ClaimLogix on the email is incorrect. As such, Exhibit 8 is irrelevant herein.

Lien Claimant then argued his position by citing to newly discovered testimony from the claims adjuster on the case, Denise Classen, who stated that "...UCLA has not authorized ClaimLogix to represent them in these proceedings and UCLA has not authorized Ron Snider to represent them in these proceedings." (MOH (Further Supplemental/SOE, November 13, 2023, Page 3, Lines 9-10.) But this citation is taken out of context. In fact, Ms. Classen testified on cross-examination as follows:

UCLA does not participate in how Sedgwick administers the claims, so UCLA has not authorized ClaimLogix to represent them in these proceedings and UCLA has not authorized Ron Snider to represent them in these proceedings. UCLA never authorizes on any of the claims. (MOH (Further Supplemental/SOE, November 13, 2023, Page 3, Lines 8½ - 10½.)

In fact, Ms. Classen testified on direct examination in further details as follows:

She is currently employed by Sedgwick. Her job title is claims examiner, but she is a lien specialist for the account of University of California. She is assigned to resolve the lien on this case. ClaimLogix is authorized to appear on her behalf. The file was referred on January 23, 2019. ClaimLogix is still currently authorized to appear on this file. (MOH (Further Supplemental/SOE, November 13, 2023, Page 2, Line 24½ - Page 3, Line 3½.)

Ms. Classen further explained her job duties on cross-examination as follows:

...[S]he handles all the liens for the account of University of California. Once there are liens on the account, she takes over getting the bills or [sic] demand, writing up the reviews, and requesting authority from the client. If she can negotiate and resolve the lien in-house, she will. If it goes on calendar refer [sic] the file to ClaimLogix, they then assign a hearing representative and then she works with that hearing representative to resolve the lien. (MOH (Further Supplemental/SOE, November 13, 2023, Page 3, Lines 12½ - 16.)

Ms. Classen's testimony above is consistent with Title 10, California Code of Regulations § 2592.01(b), which defines a claims adjuster, in part, as follows:

(b) "Claim adjuster" means a person who, on behalf of an insurer, including an employee or agent of an entity that is not an insurer, is responsible for determining the validity of a workers' compensation claim. The claims adjuster may also establish a case reserve, approve or process all workers' compensation benefits, may hire investigators, **attorneys or other professionals and may negotiate settlements of claims.** [Emphasis added.]

California Code of Regulations §10305(e) defines claims administrator, in this case, Sedgwick Claims Manage Services which employ Ms. Classen as a claims examiner or claims adjuster as "an entity that reviews or adjusts workers' compensation claims **on behalf of** either (1) an insurer or (2) an employer that has secured a certificate of consent to self-insure from the Department of

Industrial Relations, whether employed directly or as a third party.” [Emphasis added.]

Based on the foregoing statutory law, which is consistent with Ms. Classen’s testimony, Sedgwick as claims administrator and Ms. Classen as the claims adjuster on this case, can administer this claim on behalf of self-insured employer, UCLA Medical Center, and can hire non-attorney representatives, such as ClaimLogix, to represent the interests of UCLA Medical Center at lien proceedings.

It is found that Lien Claimant’s Petition and Supplemental Petition are without merit and are hereby denied.

Accordingly, it is our decision to deny lien claimant’s petition for removal.

For the foregoing reasons,

IT IS ORDERED that lien claimant’s Petition for Reconsideration of the Findings of Fact and Order issued by a workers’ compensation administrative law judge on October 9, 2024 is **DISMISSED**.

IT IS FURTHER ORDERED that lien claimant's Petition for Removal of the Findings of Fact and Order issued by a workers' compensation administrative law judge on October 9, 2024 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 6, 2025

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

**DAVID SILVER, M.D. (2)
DAN ESCAMILLA, c/o LEGAL SERVICE BUREAU
CLAIMLOGIX
SEDGWICK UC**

AJF/abs

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

Medical Center, dated September 18, 2023 and April 28, 2024, respectively, are without merit.

II. **SUMMARY OF FACTS**

Lien Claimant, David Silver, M.D. (hereinafter referred to as “Lien Claimant”), filed his lien on March 24, 2005 in the sum of \$3,529.00.

There is no record in Filenet before June 6, 2013 on this case so it is unclear whether Lien Claimant pursued his lien before 2013. However, according to the Pre-trial Conference Statement completed on June 12, 2014 by defendant and Lien Claimant, the case-in-chief resulted in Findings, Award and Order, dated January 7, 2003, as well as Supplemental Award, dated April 1, 2003, and that Lien Claimant’s outstanding balance of \$3,529.68 was based on services provided between January 14, 2003 and April 21, 2003.

The matter was set for Lien Trial on July 30, 2014 and August 19, 2014 before then WCJ Palmberg (now retired Presiding WCJ). First Lien Trial was continued due to lien representative (hereinafter referred to as Dan Escamilla) being ill. At the time of Lien Trial on August 19, 2014, the parties jointly requested off calendar status for Lien Claimant to verify payments by defendant.

On December 20, 2018, more than four years later, Lien Claimant filed a Declaration of Readiness to Proceed to pursue lien resolution. The matter was set for Lien Trial on May 20, 2019 before this WCJ after both parties exercised their pre-emptive right to strike WCJ Jones as the Trial Judge.

The May 20, 2019 Lien Trial was continued as a case-in-chief with employment issue went on the record. Defendant objected to rotation. No Petition for Removal was filed. At the time of June 19, 2019 Lien Trial, this WCJ went through the Pre-trial Conference Statement and designated exhibits with the parties. Unfortunately, EAMS went down before this WCJ could call a court reporter. The Lien Trial was continued.

Both parties jointly requested continuance of the August 20, 2019 Lien Trial as there were three cases-in-chief and another Lien Trial on this WCJ’s calendar on that day. On October 21, 2019, the Lien Trial was continued based on joint request as this WCJ went on the record on a case-in-chief.

At the time of the November 20, 2019 Lien Trial, this WCJ had to go on the record with continuing testimony on a denied injury AOE/COE case. There was an informal discussion about rotation in this WCJ's office. Dan Escamilla inquired but did not formally request rotation and defendant objected. On November 21, 2019, Lien Claimant filed a Petition for Removal regarding said continuance. On January 6, 2020, the Petition for Removal was denied.

On February 18, 2020, Lien Trial was continued due to calendar conflict of Dan Escamilla. Then COVID happened and the case was finally re-set for Lien Trial on October 14, 2020. Neither party had their witnesses available and the amended Pre-trial Conference Statement was stale so the Lien Trial was continued again. The Lien Trial on November 18, 2020 was continued as an AOE/COE trial was going forward. At the December 21, 2020 Lien Trial, the parties were still updating Pre-trial Conference Statement. The Lien Trial on February 17, 2021 was continued again as a Trial on a case-in-chief was going forward. At the Lien Trial on April 28, 2021, defendant requested rotation to another WCJ but Dan Escamilla objected so Lien Trial was once again continued.

The parties finally went on the record on August 2, 2021 and completed partial voir dire of defendant's expert witness, Jimmy Tran. Defense representative was ill at the September 13, 2021 Lien Trial so it was continued again. At the October 26, 2021 Lien Trial, both parties agreed and requested further Lien Trials to be virtual so the proceeding was continued. At the December 13, 2021 Lien Trial, both representatives challenged each other's Notices of Representation. As such, this WCJ ordered both representatives to comply with all elements of 8 CCR §§10401 and 10751 by the following Lien Trial. Lien Claimant also withdrew his agreement to appear virtually. Lien Trial was continued again so the parties could efile amended Notices of Representation.

On February 15, 2022, defendant filed a Petition for Disqualification of Dan Escamilla. On February 16, 2022, both representatives filed Amended Notices of Representation.

Since Lien Claimant withdrew his agreement to virtual Lien Trial, the February 16, 2022 Lien Trial had to be continued as DWC had not returned the parties to in-person Trials. On February 25, 2022, Lien Claimant filed Objection to Defendant's February 16, 2022 Amended Notice of Representation and Petition for \$700.00 Costs and Sanctions. Then, both parties jointly requested continuance of the April 13, 2022 Lien Trial. It appeared that Dan Escamilla was out of the country based on his letter of April 12, 2022.

At the June 15, 2022 Lien Trial, both parties wanted to pursue the issue of representation and disqualification instead of Dr. Silver's lien. Thus, the Lien Trial was continued to allow the parties to efile respective Trial exhibits. At the July 25, 2022 Lien Trial, defense representative showed up in Court while Dan Escamilla was on the phone. The parties then agreed to return to virtual Lien Trial so the Lien Trial was continued again. This WCJ continued the September 12, 2022 Lien Trial because of a full calendar on cases-in-chief.

At the October 24, 2022 Lien Trial, defendant requested to withdraw their Petition for Disqualification and go to Trial on the merit of Dr. Silver's lien. However, Dan Escamilla objected. The parties went back on the record and proceeded forward on the issues of representation, disqualification, costs and sanctions, and deferred any and all issues regarding Dr. Silver's lien. The case was submitted on the documentary evidence.

On November 29, 2022, this WCJ issued Findings of Fact and Opinions on Decision. On December 16, 2022, Lien Claimant filed Petition for Reconsideration/Removal. On February 13, 2023, the WCAB denied Lien Claimant's Petition for Reconsideration/Removal.

On February 28, 2023, Dan Escamilla filed a Declaration of Readiness to Proceed to place the matter back on calendar. The parties went on the record at the first re-setting of Lien Trial on June 13, 2023. The parties completed *voir dire* of Mr. Tran. Dan Escamilla made a motion to exclude Mr. Tran's further testimony alleging that Mr. Tran does not qualify as a bill review expert. In the interest of expediency given the long history of adjudicating Dr. Silver's lien, this WCJ deferred ruling on the inclusion or exclusion of Mr. Tran's bill review testimony and continued taking his testimony in the hopes of submitting the case for decision on the merit of Dr. Silver's lien sooner rather than later. During Lien Trial, Mr. Tran testified that the Official Medical Fee Schedule applies to Dr. Silver's dates of service in 2003. Dan Escamilla made a motion to call a rebuttal witness not listed on the Pre-trial Conference Statement. This WCJ denied the motion on the bench and continued with Mr. Tran's testimony. The Lien Trial was then continued to July 17, 2023.

On June 14, 2023, Lien Claimant filed a Petition for Removal. On July 26, 2023, the WCAB denied Lien Claimant's Petition for Removal.

On September 18, 2023, Lien Claimant filed a Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as the Representatives of UCLA Medical Center. On September 19, 2023, defendants filed an Answer attaching a Declaration from the claims adjuster, Denise Classen. The Lien Trial was back on calendar on September 19, 2023 and

further testimony from Mr. Tran was taken. At the November 13, 2023 Lien Trial, after completing the virtual testimony of Ms. Classen, Dan Escamilla requested to terminate proceeding for the day, which was granted.

The January 24, 2024 Lien Trial was continued as Dan Escamilla was ill. At the February 28, 2024 Lien Trial, the parties jointly requested continuance. On April 28, 2024, Lien Claimant filed a Supplemental Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as the Representatives of UCLA Medical Center. At the April 29, 2024 Lien Trial, Lien Claimant insisted on proceeding on this threshold issue first. Thus, this WCJ continued the Lien Trial so defendants would be afforded an opportunity to respond and the parties could efile respective trial exhibits and list witnesses on said issue. The June 26, 2024 Lien Trial was continued as Dan Escamilla did not feel well. On August 27, 2024, defendants filed an Answer to Supplemental Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as the Representatives of UCLA Medical Center.

At the time of the August 27, 2024 Lien Trial, the parties submitted the sole issue of Lien Claimant's Petition and Supplemental Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as the Representatives of UCLA Medical Center for decision and deferred Dr. Silver's lien.

On October 9, 2024, this WCJ issued Findings of Fact and Order, and Opinions on Decision. On October 26, 2024, Lien Claimant filed a Petition for Reconsideration/Removal.

III. **DISCUSSION**

Lien Claimant filed its appeal as both a Petition for Reconsideration and Removal. Since the parties deferred the lien of Dr. Silver, there is no adverse final Order, decision or Award with respect to the lien. In fact, this WCJ only found that Lien Claimant's Petition and Supplemental Petition to Deny the Appearance of ClaimLogix and Ronald Lawrence Snider as Representatives of the Defendant UCLA Medical Center, dated September 18, 2023 and April 28, 2024, respectively, are without merit. As such, a Petition for Reconsideration pursuant to Labor Code §5903 is inappropriate.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (Cortez v. Workers' Comp. Appeals Bd. (2006) 136 Cal.App.4th 596, 600, fn. 5 [71 Cal. Comp. Cases 155];

Kleeman v. Workers' Comp. Appeals Bd. (2005) 127 Cal.App.4th 274, 281, 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; Kleeman, 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).)

Lien Claimant's Trial Exhibit 8:

At Lien Trial, Lien Claimant submitted an email from UCOP CPRA Office, dated August 22, 2023 (Exhibit 8), which Lien Claimant requested under the California Public Records Act. In said email Exhibit, it states that there was no contract “between CLAIMSLOGIX or Ronald Lawrence Snider and the UCLA Medical Center or any claims administrator of this public entity.” Since the inquiry was made with a misspelled entity name, this WCJ found Exhibit 8 to be irrelevant herein. Lien Claimant argued that this WCJ’s “overly technical rejection of material evidence was improper and prejudicial to Petitioner.” (Petition for Reconsideration/Removal, dated October 26, 2024, Page 6, Lines 18-19.)

This WCJ pointed out in the Opinions on Decision that Lien Claimant repeatedly referred to ClaimLogix as “ClaimsLogix” in its Petition and Supplemental Petition, dated September 18, 2023 and April 28, 2024, respectively. Nevertheless, this WCJ took judicial notices of these pleadings and in fact reviewed them carefully prior to issuing a decision. At no time, did this WCJ dismiss any of Lien Claimant’s pleadings due to misspelling. However, when Lien Claimant made a specific inquiry via the California Public Records Act about an entity, the correct spelling of the entity is absolutely important and necessary. A response with respect to the misspelled name “ClaimsLogix” simply holds no weight to the issue raised at Trial.

According to ClaimLogix, LLC’s Amended Notice of Representation, dated February 16, 2022 (Joint Exhibit Z), ClaimLogix is authorized by Sedgwick UC to make lien appearances at the WCAB and that Ronald Lawrence Snider is one of the authorized lien representatives to make such appearances. Thus, it is not surprising that there is no contract between Ronald Lawrence Snider and UCLA Medical Center or its claims administrator.

Lien Claimant's Reliance on 8 CCR §10390(c):

California Code of Regulations §10390, titled Proper Identification of Parties, state as follows:

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Any party that appears at a hearing or files a pleading, document or lien shall:

- (a) Set forth the party's full legal name on the record of proceedings, pleading, document or lien;
- (b) File a notice of representation if a party is represented and the attorney or nonattorney representative has not previously filed a notice of representation or an Application for Adjudication of Claim; and
- (c) Identify the insurer and/or employer as the party or parties and not identify a third party administrator as a party. The third party administrator shall be included on the official address record and case caption if identified as such.

Contrary to Lien Claimant's argument, 8 CCR §10390 is about proper identification of the parties. It does not govern "the proper authorization of representatives before the WCAB by a defendant" and it does not bar "authorization for such representation to be given by any third party acting on behalf of the defendant." (Petition for Reconsideration/Removal, dated October 26, 2024, Page 4, Lines 21-23.)

On the other hand, 10 CCR §2592.01(b) and 8 CCR §10305(e), along with Ms. Classen's testimony, which were cited in this WCJ's Opinions on Decision, support the finding that Sedgwick as the claims administrator and Ms. Classen as the claims adjuster on this case, can administer this claim on behalf of self-insured employer, UCLA Medical Center, and can hire non-attorney representatives, such as ClaimLogix, to represent the interests of UCLA Medical Center at lien proceedings. Thus, this WCJ found Lien Claimant's Petition and Supplemental Petition, dated September 18, 2023 and April 28, 2024, respectively, to be without merit.

Last but not least, Lien Claimant did not demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to Lien Claimant ultimately issues.

IV.
RECOMMENDATION

It is respectfully recommended that Lien Claimant's Petition for Reconsideration/Removal be denied for the reasons stated above.

Dated: November 5, 2024

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IVY W. MI
WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE

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