

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

MARTHA ALICIA ALAS, *Applicant*

vs.

WOOD RANCH BBQ AND GRILL; SENTRY INSURANCE, *Defendants*

**Adjudication Number: ADJ10102441
Los Angeles District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Applicant has filed a petition for removal from the “Order Vacating and Setting Aside Findings and Award and Opinion on Decision” (Order), which issued on May 6, 2025, by the workers’ compensation administrative law judge (WCJ).

Applicant contends that the matter is ripe for adjudication and that further development of the record is not warranted.

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 and consider the issue of sanctions.

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 15, 2025, however, the Order was served on May 6, 2025. Including five days for mailing (Cal. Code Regs., tit. 8, § 10605), the petition should have been filed on or before June 2, 2025. As the petition is untimely, the petition will be dismissed.

To the extent that the WCJ believes sanctionable conduct may have occurred at the trial level, we defer the issue of sanctions to the trial level.

While we do not construe the petition as seeking removal from the *joint* request for continuance issued on September 22, 2025, had petitioner sought removal from the order of continuance, we would have otherwise denied the petition as petitioner failed to demonstrate substantial prejudice or irreparable harm. (*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].) If applicant opposes further continuances, applicant should respectfully request that the minutes reflect such opposition.

Accordingly, we dismiss the Petition for Removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the Order Vacating and Setting Aside Findings and Award and Opinion on Decision, issued on May 6, 2025, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

December 10, 2025

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

**ALICIA MARTH ALAS
CLAYTON PERRY
GOLDMAN MAGDALIN**

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*