

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

MIGUEL FERNANDEZ GOMEZ, *Applicant*

vs.

**PROFICIENT STAFFING INC.;
UNITED WISCONSIN INSURANCE COMPANY, et al., *Defendants***

**Adjudication Number: ADJ17009720
Los Angeles District Office**

**OPINION AND ORDER
GRANTING PETITION
FOR REMOVAL
AND DECISION
AFTER REMOVAL**

Applicant has filed a petition for removal from the order setting the matter for trial issued on July 10, 2025, by the workers' compensation administrative law judge (WCJ).

Applicant contends that further discovery is needed.

We have not received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we grant removal, rescind the July 10, 2025 order, and return this matter to the trial level for further proceedings.

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, and for the reasons stated in the WCJ's Report, we will grant removal and as our Decision After Removal, we will rescind the July 10, 2025 order setting the matter for trial level and return this matter to the trial for further proceedings.

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).) Here, the WCJ has acknowledged that additional discovery appears warranted and requests that we vacate the order setting the matter for trial, and return this matter to the trial level for further proceedings at the discretion of the trial judge.

Accordingly, we grant removal and as our Decision After Removal, we rescind the July 10, 2025 order setting the matter for trial and return this matter to the trial level for further proceedings.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the order setting the matter for trial issued on July 10, 2025, by the WCJ is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the order setting the matter for trial issued on July 10, 2025, by the WCJ is **RESCINDED**.

IT IS FURTHER ORDERED that this matter is **RETURNED** to the trial level for further proceedings.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ PAUL F. KELLY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 22, 2025

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

**MIGUEL FERNANDEZ GOMEZ
WCA LAW GROUP
DOMINGO ELIAS & VU
SIEGEL MORENO & STETTLER**

EDL/mt

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