

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

**PERLITA DICOCHEA, *Applicant***

**vs.**

**WHITETAIL ENVIRONMENTAL, LLC;  
THE HARTFORD, administered by CORVEL, *Defendants***

**Adjudication Number: ADJ20118871  
Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION  
FOR REMOVAL**

Defendant has filed a petition for removal from the order issuing a replacement panel QME and taking the matter off calendar issued on September 17, 2025, by the workers' compensation administrative law judge (WCJ).

Defendant contends that the WCJ should have approved a Compromise and Release without seeking further development of the record.

We have not received an Answer from applicant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

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 based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's Report, we will deny 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).) Here, based upon the WCJ's analysis of the

merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

Decisions of the Appeals Board "must be based on admitted evidence in the record." (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, decisions of the Appeals Board must be supported by substantial evidence. (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ's decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10761.)

Here, the WCJ issued an order suspending action upon the Compromise and Release. At the subsequent hearing, and according to the minutes, it appears that applicant stated that she "was told case was already settled, and did not understand that she could see a PQME at no out of pocket cost." (Minutes of Hearing, September 17, 2025.) Defendant does not challenge this account in the minutes, but instead seeks to proceed with approval of the settlement. Defendant has not established irreparable harm. On these apparent facts, it appears that the WCJ has appropriately proceeded to obtain the information necessary to determine adequacy of the settlement.

Accordingly, we deny removal.

For the foregoing reasons,

**IT IS ORDERED** that defendant's Petition for Removal from the order issuing a replacement panel QME and taking the matter off calendar issued on September 17, 2025, by the WCJ is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ CRAIG L. SNELLINGS, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**DECEMBER 2, 2025**

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

**PERLITA DICOCHEA  
ABRAMSON LABOR GROUP  
QUINTAIROS PRIETO**

**EDL/mt**

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