

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

**RUTH PULIDO, *Applicant***

**vs.**

**WARNER BROS. STUDIO FACILITIES, INC.; permissibly self-insured;  
ENTERTAINMENT PARTNERS, LLC; AMERICAN CASUALTY COMPANY OF  
READING, PENNSYLVANIA, administered by CNA CLAIMS PLUS INC.;  
INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA, administered by  
GALLAGHER BASSET SERVICES, INC.; CAST & CREW ENTERTAINMENT, INC.;  
ZURICH AMERICAN INSURANCE COMPANY; PARAMOUNT PICTURES;  
permissibly self-insured, administered by MURPHY & BEANE;  
ALAMEDA PAYING AGENT, INC., LIBERTY INSURANCE CORPORATION;  
NBC UNIVERSAL, INC., AMERICAN HOME ASSURANCE COMPANY  
and INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA,  
administered by SEGWICK CLAIMS MANAGEMENT SERVICES, INC., *Defendants***

**Adjudication Numbers: ADJ2186885 (VNO 0495620); ADJ260938 (VNO 0514390);  
ADJ4275116 (VNO 0514391); ADJ8338315  
Van Nuys District Office**

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

Applicant<sup>1</sup> has filed a petition for removal from the order taking the matter off calendar issued on August 11, 2025, by the workers' compensation administrative law judge (WCJ), wherein the WCJ deferred applicant's request for an election.

Applicant contends that she may issue an election against a party pursuant to Labor Code section 5500.5 and that the WCJ was without discretion to defer a ruling on the election.

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

---

<sup>1</sup> It appears that applicant has been inadvertently set up as two individuals in EAMS. Case number ADJ8338315 is not linked or connected with the other case numbers because of this error. Upon return the District Office should review this error and correct EAMS accordingly.

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 grant removal and as our Decision After Removal, we will rescind the August 11, 2025 order taking the matter off calendar and return this matter to the trial level to create a record.

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 ordered the matter off calendar for further development of the record and deferred applicant's election. The trial judge issued this order without creating a record or explaining the need for further development of the record and thus, the order violates the parties right to due process, which constitutes irreparable harm. Thus, removal is proper in this case.

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 matter should be set for an evidentiary hearing, and if applicant's request for an election is to be deferred, a record should be created in support of such order along with a reasoned opinion.

We make no judgment at this time whether applicant's election is proper since without a formal record available to review, we have no ability to make this determination.

Accordingly, we grant removal and as our Decision After Removal, we rescind the August 11, 2025 order taking the matter off calendar and return this matter to the trial level to create a record.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Removal from the order taking the matter off calendar issued on August 11, 2025, by the WCJ is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Removal of the Workers' Compensation Appeals Board that the order taking the matter off calendar issued on August 11, 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 WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

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

**/s/ JOSEPH V. CAPURRO, 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.**

**RUTH PULIDO  
LAW OFFICES OF SCOTT B. SOLIS  
LAW OFFICE OF PATRICK J. BRAULT  
SAMUELSON, GONZALEZ, VALENZUELA & BROWN  
VALENZUELA & GINZBURG  
MURPHY & BEANE  
PARKER & IRWIN  
PEARLMAN BROWN & WAX  
TESTAN LAW**

**EDL/mt**

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