

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

**SHARON SWIFT, *Applicant***

**vs.**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION CENTINELA STATE PRISON. administered by  
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Numbers: ADJ9097135 (MF); ADJ9097288;  
ADJ9099801; ADJ9099802; ADJ2752713; ADJ7270379  
San Diego District Office**

**OPINION AND ORDER  
DISMISSING PETITION  
FOR REMOVAL**

On December 19, 2024, a workers' compensation administrative law judge (WCJ) issued an order setting this matter for trial.

On January 7, 2025, defendant filed a Petition for Removal in response to the order contending that the order caused significant prejudice and irreparable harm. We note that when a party raises an issue at a mandatory settlement conference, but the case is set for trial, the party will have the opportunity to raise that issue at trial, so that under those circumstances, there is likely no significant prejudice or irreparable harm.

On February 26, 2025, the parties proceeded to trial, and the matter was continued to April 22, 2025 for testimony. On April 22, 2025, the case was continued. The Minutes state that:

**CASE IS STILL AT RECON; CAN'T MOVE FORWARD; GAVE TENTATIVE  
TRIAL DATE 6/10/2025 AT 8:30; PARTIES TO NOTIFY RECON TO SEND  
CASE BACK SO WE CAN COMPLETE TRIAL**

On June 10, 2025, we were advised that defendant intended to withdraw the petition.

Yet, we have not received notice from defendant's attorney that the petition is withdrawn. This lack of action on defendant's part causes delays and wastes the resources of the Appeals Board. In the future, defendant is reminded that the Appeals Board must be notified, and the petition for removal should be immediately withdrawn when the parties have proceeded to trial.

Accordingly, the petition for removal is now moot, and we will dismiss the petition.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

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

**I CONCUR,**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**/s/ PAUL F. KELLY, COMMISSIONER**



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

**SEPTEMBER 4, 2025**

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

**SHARON SWIFT  
LAW OFFICE OF PHILIP M. COHEN  
STATE COMPENSATION INSURANCE FUND, LEGAL**

**AS/mc**

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