

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

**TERRIANNE WATKINS, *Applicant***

**vs.**

**BLUE SHIELD OF CALIFORNIA;  
ARCH INSURANCE COMPANY administered by SEDGWICK CLAIMS  
MANAGEMENT SERVICES, INC., *Defendants***

**Adjudication Number: ADJ18579285  
Marina del Rey District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION**

Applicant, in pro per, seeks reconsideration of the Order Approving Compromise and Release (OACR), issued by the workers' compensation administrative law judge (WCJ) on May 20, 2025.

Applicant appears to contend, in essence, that she is aggrieved by the OACR as it was procured by fraud and she has not been adequately compensated for temporary disability.

We have received an Answer from defendant.

The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition for Reconsideration be dismissed as premature and the matter be remanded for a hearing on whether good cause exists to set aside the OACR.

We have considered the allegations of applicant's Petition, the Answer, and the contents of the Report. Based on our review of the record and for the reasons stated in the WCJ's Report, which we adopt and incorporate, and for the reasons discussed below, we will dismiss the Petition as premature and return this matter to the trial level for consideration of the Petition as one to set aside the OACR.

## DISCUSSION

### I.

Former Labor Code section 5909<sup>1</sup> provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

(a) A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 60 days from the date a trial judge transmits a case to the appeals board.

(b)

(1) When a trial judge transmits a case to the appeals board, the trial judge shall provide notice to the parties of the case and the appeals board.

(2) For purposes of paragraph (1), service of the accompanying report, pursuant to subdivision (b) of Section 5900, shall constitute providing notice.

Under section 5909(a), the Appeals Board must act on a petition for reconsideration within 60 days of transmission of the case to the Appeals Board. Transmission is reflected in Events in the Electronic Adjudication Management System (EAMS). Specifically, in Case Events, under Event Description is the phrase “Sent to Recon” and under Additional Information is the phrase “The case is sent to the Recon board.”

Here, according to Events, the case was transmitted to the Appeals Board on September 30, 2025, and 60 days from the date of transmission is Saturday, November 29, 2025. The next business day that is 60 days from the date of transmission is Monday, December 1, 2025. (See Cal. Code. Regs., tit. 8, § 10600(b).<sup>2</sup> This decision is issued by or on Monday, December 1, 2025, so that we have timely acted on the petition as required by section 5909(a).

Section 5909(b)(1) requires that the parties and the Appeals Board be provided with notice of transmission of the case. Transmission of the case to the Appeals Board in EAMS provides notice to the Appeals Board. Thus, the requirement in subdivision (1) ensures that the parties are notified of the accurate date for the commencement of the 60-day period for the Appeals Board to

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<sup>1</sup> All section references are to the Labor Code, unless otherwise indicated.

<sup>2</sup> WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers' Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on September 30, 2025, and the case was transmitted to the Appeals Board on September 30, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by section 5909(b)(1) because service of the Report in compliance with section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on September 30, 2025.

## II.

Subject to the limitations of section 5804, "The appeals board has continuing jurisdiction over all its orders, decisions, and awards made and entered under the provisions of [Division 4] ... At any time, upon notice and after the opportunity to be heard is given to the parties in interest, the appeals board may rescind, alter, or amend any order, decision, or award, good cause appearing therefor." (Lab. Code, § 5803.)

Stipulations between the parties must be interpreted to give effect to the mutual intention of the parties as it existed at the time of contracting, so far as the same is ascertainable and lawful. (*County of San Joaquin v. Workers' Compensation Appeals Bd. (Sepulveda)* (2004) 117 Cal.App.4th 1180, 1184 [69 Cal.Comp.Cases 193], citing Civ. Code, §1636.) Stipulations are binding on the parties unless, on a showing of good cause, the parties are given permission to withdraw from their agreements. (*County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114, 1121 [65 Cal.Comp.Cases 1].) As defined in *Weatherall*, "A stipulation is 'An agreement between opposing counsel ... ordinarily entered into for the purpose of avoiding delay, trouble, or expense in the conduct of the action,' (Ballentine, Law Dict. (1930) p. 1235, col. 2) and serves 'to obviate need for proof or to narrow range of litigable issues' (Black's Law Dict. (6th ed. 1990) p. 1415, col. 1) in a legal proceeding." (*Weatherall, supra*, at 1118.)

Once it is determined that an agreement is final, the party seeking to set aside the agreement must make a showing of good cause. Good cause includes fraud, duress, undue influence, mutual mistake of fact, mistake of law, invalidity of execution, incompetency, or minority at the time of execution of the agreement. (See California Workers' Compensation Law (Cont. Ed. Bar 4th Ed.)

§§ 16.61 et seq.; see also *Argonaut Ins. Exch. v. Industrial Acc. Com.* (1958) 49 Cal.2d 706 [23 Cal.Comp.Cases 34]; *Smith v. Workers' Comp. Appeals Bd.* (1985) 168 Cal.App.3d 1160 [50 Cal.Comp.Cases 311]; *Carmichael v. Industrial Acc. Com.* (1965) 234 Cal.App.2d 311 [30 Cal.Comp.Cases 169]; *Silva v. Industrial Acc. Com.* (1924) 68 Cal. App. 510 [11 IAC 266]; *City of Beverly Hills v. Workers' Comp. Appeals Bd.* (1997) 62 Cal.Comp.Cases 1691 (writ den.); *Bullocks, Inc. v. Industrial Acc. Com.* (1951) 16 Cal.Comp.Cases 253 (writ den.); *Pac. Indem. Co. v. Industrial Acc. Com.* (1946) 11 Cal.Comp.Cases 117 (writ den.).) Whether good cause exists is case specific. The circumstances surrounding the execution and approval of the agreement must be assessed. (See § 5702; *Weatherall, supra*, 77 Cal.App.4th at pp. 1118-1121; *Robinson v. Workers' Comp. Appeals Bd.* (1987) 199 Cal.App.3d 784, 790-792 [52 Cal.Comp.Cases 419]; *Huston v. Workers' Comp. Appeals Bd.* (1979) 95 Cal.App.3d 856, 864-867 [44 Cal.Comp.Cases 798].)

Here, applicant contends that she is aggrieved by the OACR and that she was not adequately compensated for temporary disability. As the moving party, applicant has the burden of proof to show, by a preponderance of the evidence, that she should be relieved from the C&R entered into with defendant. (See Lab. Code, § 5705 [the burden of proof rests upon the party with the affirmative of the issue]; see also Lab. Code, § 3202.5 ["All parties and lien claimants shall meet the evidentiary burden of proof on all issues by a preponderance of the evidence"].) However, because no hearing was held, the WCJ did not have the opportunity to assess applicant's arguments or evidence. In the absence of evidence, we are unable to evaluate applicant's contentions and the Petition is premature.

All parties in workers' compensation proceedings retain their fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) Due process guarantees all parties the right to notice of hearing and a fair hearing. (*Id.*) A fair hearing includes the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (See *Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker, supra*, at 157-158 citing *Kaiser Co. v. Industrial Acci. Com. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4 703, 710 [57 Cal.Comp.Cases 230].)

A WCJ is required to “make and file findings upon all facts involved in the controversy and an award, order, or decision stating the determination as to the rights of the parties. Together with the findings, decision, order or award there shall be served upon all the parties to the proceedings a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made.” (Lab. Code, §§ 5502, 5313; Cal. Code Regs., tit. 8, § 10761; see also *Blackledge v. Bank of America, ACE American Insurance Company* (2010) 75 Cal.Comp.Cases 613, 621-622 (Appeals Bd. en banc).) The WCJ’s opinion on decision “enables the parties, and the Board if reconsideration is sought, to ascertain the basis for the decision, and makes the right of seeking reconsideration more meaningful.” (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc), citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350].)

Additionally, there must be a complete record for our review of the case. “[A] proper record enables any reviewing tribunal, be it the Board on reconsideration or a court on further appeal, to understand the basis for the decision.” (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 475 (Appeals Bd. en banc).) The Appeals Board’s record of proceedings is maintained in the adjudication file and consists of: the pleadings, minutes of hearing and summary of evidence, transcripts, if prepared and filed, proofs of service, evidence received in the course of a hearing, exhibits marked but not received in evidence, notices, petitions, briefs, findings, orders, decisions, and awards, and the arbitrator’s file, if any. . . . Documents that are in the adjudication file but have not been received or offered in evidence are not part of the record of proceedings. (Cal. Code Regs., tit. 8, § 10803.)

Accordingly, we will dismiss the Petition for Reconsideration and return this matter to this trial level. Upon return, we recommend that the WCJ treat the Petition as a petition to set aside the Stipulation and set a hearing as there is currently no evidence admitted into the record regarding applicant’s contentions. At the hearing, the parties will have an opportunity to create a record, raise all relevant issues, and submit evidence upon which a decision can be made by the WCJ. After the WCJ issues a decision, either party may then timely seek reconsideration of that decision.

For the foregoing reasons,

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

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**I CONCUR,**

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

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



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

**November 25, 2025**

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

**TERRIANNE WATKINS**

**HANNA, BROPHY, MACLEAN, MCALEER & JENSEN**

**JL/abs**

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

**REPORT AND RECOMMENDATION ON PETITION FOR  
RECONSIDERATION NOTICE OF TRANSMITTAL TO THE WCAB**

**I**

**INTRODUCTION**

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|--|--|
| 1. Applicant's Occupation:                               | Customer Service Rep.  |
| 2. Applicant's Age:                                      | 60   |
| 3. Date of injury:                                       | 12/01/2023   |
| 4. Parts of Body Alleged:                                | Neck, wrists, left shoulder  |
| 5. Manner in which injuries<br>alleged to have occurred: | Typing activities  |
| 6. Identity of Petitioners:                              | Applicant  |
| 7. Timeliness:   | The petition was not timely filed.   |
| 8. Verification:   | A verification is attached.  |
| 9. Date of Findings and Order:                           | 05/20/2025 (Joint OACR)  |
| 10. Petitioner's contentions:                            | That OACR was procured by fraud, that<br>TDD was not adequately compensated. |

**II**

**FACTS**

It must be noted initially that Applicant dismissed her attorney by way of a Notice of Dismissal of Attorney dated 09/09/2025, which is the same date as the Petition for Reconsideration (This document was scanned along with the Petition into EAMS on 09/18/2025 – EAMS# 79580101).

Applicant, Terrianne Watkins, claims injury arising out of and in the course of employment to the neck, bilateral wrists and left shoulder while working for Blue Shield of California on 12/01/2023. Although technically not part of the Petition for Reconsideration, Applicant also claims an injury arising out of and in the course of employment to neck and wrist while working for Blue Shield during the period 09/18/2023 to 12/06/2023 that was first plead as part of the C&R (per terms of C&R p.4 – EAMS# 58002926 in ADJ20964393 and EAMS# 58002926 in ADJ18579285). Both cases were settled by way of Compromise & Release (C&R) by Joint Order Approving (OACR) issued on 05/20/2025. The C&R was approved on a walk-through basis. Thereafter, on 05/22/2025 Defendant filed with the court a proof of service that the OACR was served on all parties, including the Applicant, on 05/22/2025.

Applicant filed her 09/09/2025 Petition for Reconsideration on 09/17/2025 with the Marina Del Rey District Office (NOTE: The Petition is dated 09/09/2025 and has a “RECEIVED” date stamp indicating 09/17/2025 but EAMS reflects a “Doc Entry Date” of 09/18/2025 – this WCJ will treat the earlier date of 09/17/2025 as the official filing date to ensure timely reporting).

### **III** **DISCUSSION**

As a matter of housekeeping, the Petition for Reconsideration was only filed in ADJ18579285 despite the 05/20/2025 OACR approving a joint proposed C&R on both ADJ18579285 and ADJ20964393. This court will nevertheless consider the omission of ADJ20964393 as harmless error. The C&R conjoined the two cases as did the joint OACR. Therefore, the Petition will be treated as applying to both cases. Additionally, this court notes that Applicant’s Petition for Reconsideration indicates that the 05/20/2025 OACR was procured by fraud. However, this claim is not explained within the four-corners of the Petition.

Other than the skeletal allegation of unspecified fraud, the issues raised in the Petition are essentially as follows: that Applicant was not adequately paid temporary disability benefits, that Dr. Mary Bos allegedly prepared a false report resulting in denial of temporary disability benefits and that applicant apparently received texts indicating she was to receive temporary disability checks but was told to ignore them.

Moving to the task at hand, although the Petition is untimely, it is well known that the Appeals Board has continuing jurisdiction over all orders issued and “at any time” (per Labor Code section 5803) may amend or alter orders once notice and an opportunity to be heard has been provided to the parties. Additionally, a C&R is a contract between the parties and thus must represent a meeting of the minds of the parties as to the agreement and must be based on consideration (and in the case of Workers’ Compensation settlements – adequate consideration). That is why every settlement must be vetted by a Workers’ Compensation Judge.

In this matter, Applicant is claiming that the C&R approved on 05/20/2025 does not represent a meeting of the minds. If one party to an agreement objects to the agreement there is no longer a meeting of the minds. Additionally, since Applicant appears to argue that she has not been adequately compensated for periods of temporary disability, this raises an adequacy question. Finally, a claim of fraud has been raised regarding the C&R. Thus, we have multiple objections raised as to the efficacy and legitimacy of the C&R. The question now becomes how to approach adjudication of these objections.

Certainly, as the party questioning the C&R agreement, the Applicant has the burden of proving her claims. She must show good cause to re-visit the agreement between the parties. The only way to evaluate Applicant’s claims and give both parties to the C&R due process is an evidentiary hearing where testimony and exhibits may be presented by both parties. From such proceedings a record can be established and a decision issued based thereon. Without such a process, accepting or denying Applicant’s claim would be based on mere conjecture and whim and this would be unfair to both parties.

This court is of the opinion that the Petition for Reconsideration is tantamount to a petition to set aside the C&R agreement. However, no hearing has occurred and thus no evidence admitted into the record regarding Applicant’s contentions. As such, this court cannot evaluate the claims in the



Petition. Because of this situation a record needs to be made. Without such a record the Petition is premature.

**IV**  
**RECOMMENDATION**

Based on the above discussion this court recommends that the Petition for Reconsideration be dismissed as premature and the matter remanded back to the trial level for further proceedings. The Petition for Reconsideration should be treated as a petition to set aside and an evidentiary hearing should be set. Once a decision has been made by this court, either party can pursue reconsideration.

Respectfully submitted,

DATE: 9/30/25

**Daniel Ter Veer**

WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE