WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

XIAN JI LI, *Applicant*

vs.

BENIHANA, INC.; ZURICH AMERICAN INSURANCE COMPANY, administered by BROADSPIRE, *Defendants*

Adjudication Number: ADJ12718872
San Francisco District Office

OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

Applicant seeks reconsideration of the Findings of Fact and Award (F&A) issued on September 4, 2025 by the workers' compensation administrative law judge (WCJ), wherein the WCJ found in pertinent part that applicant sustained injury arising out of and in the course of employment (AOE/COE) to the neck, back, left shoulder, hands, wrists, headaches, heart, and psyche resulting in temporary total disability from September 23, 2019 through September 22, 2020, permanent partial disability starting on September 23, 2020, and a permanent and stationary date of September 9, 2021. The WCJ also found that applicant is entitled to future medical treatment and that lien claimant, Employment Development Department (EDD) was entitled to recovery on its lien.

Defendant contends the WCJ erred because applicant's injuries should have been found to be self-inflicted, barring her from recovery; that neither the period of temporary disability nor the reimbursement to lien claimant EDD were supported by the evidence; and that the award of future medical care for the heart was not supported.

We received an Answer from applicant.[1] The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition for Reconsideration be denied.

We have considered the allegations of the Petition for Reconsideration and Answer and the contents of the Report of the WCJ with respect thereto. Based on our review of the record, for the reasons stated in the WCJ's Report, which we adopt and incorporate herein, and for the reasons discussed below, we will deny reconsideration.

FACTUAL BACKGROUND

Applicant claimed specific injury to multiple body parts AOE/COE on September 22, 2019. The WCJ noted the following additional facts:

> The parties stipulate and agree that the applicant was working for defendant Benihana on September 22, 2019, that a fall involving the applicant occurred and that injuries resulted from the fall. Defendant contends that the applicant intentionally caused her own injury, and they have denied the workers' compensation claim on the basis that the applicant caused the injury intentionally.

(Opinion on Decision, September 4, 2025, p. 1, ¶ 1.)

The matter proceeded to trial on multiple issues including AOE/COE, parts of the body injured, temporary disability, the need for medical treatment, and EDD's lien. (Minutes of Hearing (MOH), July 15, 2025, p. 2, line 31-p. 3, line 4.)

On September 4, 2025, the WCJ issued the F&A that is the subject of the Petition for Reconsideration herein.

On September 29, 2025, defendant sought reconsideration of the F&A.

DISCUSSION

I.

Former Labor Code section 5909 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.

[1] Applicant contends defendant's service of the Petition was defective because service was not made pursuant to WCAB Rule 10625 (Cal. Code Regs., tit. 8, § 10625), so the Petition should be dismissed. Labor Code section 5905 requires that a petition for reconsideration be served "forthwith." It has been held that even if there is defective service, if a party gains personal knowledge, that will trigger the party's time to act. (*Garcia v. The Vons Co., Inc.* (2001) 66 CCC 362, 363-66 (appeals board en banc).) Since applicant was able to file an Answer, and we have reviewed and considered it, it appears that applicant was not prejudiced by defendant's method of service.

Code, § 5909.) Effective July 2, 2024, Labor Code 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 Labor Code 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 October 10, 2025, and 60 days from the date of transmission is December 9, 2025. This decision is issued by or on December 9, 2025, so that we have timely acted on the petition as required by Labor Code section 5909(a).

Labor Code 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 act on a petition. Labor Code 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 October 10, 2025, and the case was transmitted to the Appeals Board on October 10, 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 Labor Code section 5909(b)(1) because

service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on October 10, 2025.

II.

California has a no-fault workers' compensation system. With few exceptions, all California employers are liable for the compensation provided by the system to employees injured or disabled in the course of and arising out of their employment, "irrespective of the fault of any party." (Cal. Const., art. XIV, § 4.) The protective goal of California's no-fault workers' compensation legislation is manifested "by defining 'employment' broadly in terms of 'service to an employer' and by including a general presumption that any person 'in service to another' is a covered 'employee.'" (*S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341, 354 [54 Cal.Comp.Cases 80]; see also Lab. Code, §§ 3351, 5705 (a).)

We note that "there are limits on compensation where employees intentionally cause their own injuries. California's no-fault workers' compensation system is intended to permit recovery when an employee's own negligence caused his or her injury; it does not prohibit the Legislature from eliminating awards based on the employee's willful wrongdoing or misconduct." (*Verga v. Workers' Comp. Appeals Bd.*, 159 Cal.App.4th 174, 188, citing *Mathews v. Workmen's Comp. Appeals Bd.* (1972) 6 Cal.3d 719, 728, 734 [citation omitted].)

Labor Code Section 3600(a)(5) is an affirmative defense that bars an employee's claim for workers' compensation benefits where the injury is intentionally self-inflicted. (Lab. Code, § 3600(a)(5), see also, *Smith v. Workers' Comp. Appeals Bd.*, 79 Cal.App.4th 530, 536 [65 Cal.Comp.Cases 277].) Section 3600(a)(5)'s exemption for intentionally self-inflicted injury requires proof not only that an injury was self-inflicted but that the employee had the *specific intent to cause themselves injury*. (*Smith, supra,* at 538–541.) As explained in *Smith*, "When employees cause their own injury, they may still recover compensation benefits under the statutory scheme. Benefits accrue *regardless of the fault of any person* or in the absence of fault. Employees will be denied benefits only if *the self-infliction is intentional*." (*Id.* at 538, emphasis added.)

In this case, defendant, as the party asserting the Labor Code Section 3600(a)(5) affirmative defense, has the burden of establishing that applicant's injury was in fact intentionally self-inflicted. (Lab. Code, § 5705 ["burden of proof rests upon the party or lien claimant holding the affirmative of the issue"].)

The evidence here, such as it is, falls well short of the substantial evidence required to support the affirmative defense of self-infliction of injury. Defendant has not presented substantial evidence to indicate applicant made contact with the cart with the *intent to cause injury to herself*. Without such evidence, Labor Code section 3600(a)(5)'s exemption cannot apply.

Notably, the only evidence proffered by defendant was a video of applicant on the date of injury.[2] (Def. Proposed Exh. A.) However, the video submitted by defendant in and of itself does not demonstrate applicant intended to injure herself nor does it contradict applicant's version of events. As the WCJ concluded in the Report, "[t]here was nothing in the testimony of the applicant or the video that suggested that the injury was self-inflicted." (Report, October 10, 2025, p. 2, ¶ 1.) At most, the evidence highlighted by defendant might support an argument that applicant intentionally walked into the cart, but such evidence would not support finding that applicant intentionally wanted to inflict injury upon herself.

Defendant highlights that applicant "was walking through the kitchen at a brisk pace without her glasses," which defendant claims supports finding applicant's injury was self-inflicted. (Petition, September 29, 2025, p. 3, line 13-14.) Yet, defendant provides no relevance as to the import of applicant taking her glasses off. Even though applicant may have walked without her glasses at a "brisk pace," such actions would amount to applicant being negligent in walking through the kitchen, which does not absolve defendant's liability for workers' compensation benefits. Furthermore, applicant does not deny she took her glasses off. Applicant testified, "[s]he did not throw her glasses. She said her glasses are not prescription. She took off her glasses because they were covered with grease. She dropped them and she continued walking, and she then hit the cart, which was in the kitchen." (Minutes of Hearing (MOH), July 15, 2025, p. 7, lines 13-21.) Applicant provided a reasonable explanation for why she took her glasses off, and defendant did not adequately rebut applicant's testimony. Although applicant's testimony may reflect an intention to take her glasses off, to infer she did so with the intent to subsequently injure herself amounts to mere conjecture on defendant's part.

Additionally, defendant's interpretation of applicant's actions in the video are not the only reasonable interpretation. Defendant claims the video shows applicant "covering her face while

[2] At the hearing, applicant challenged admissibility of the video. (Def. Proposed Exh. A.) However, no party, including applicant, challenged the WCJ's reliance on the video after issuance of the F&A. Accordingly, though the WCJ did not expressly rule on the admissibility of the video, we find that it was harmless error.

walking" prior to making contact with the cart. (Petition, September 29, 2025, p. 2, lines 22-23.) On the contrary, applicant testified, "she was not covering her face when she walked through the corridor." (MOH, July 15, 2025, p. 7, lines 20-21.) Similarly, the WCJ describes applicant's actions on the video as follows, "[a]nother camera picks up the applicant who appears to be *holding their hands up,*" prior to making contact with the cart. (MOH, July 15, 2025, Judge's Summary of Video, p. 7, lines 36-37, emphasis added.) Despite defendant's contentions, defendant did not offer convincing rebuttal evidence as to applicant's version of events or of the WCJ's perception of the video that would support reversing the WCJ's findings.

Further, defendant claims "[t]here is no evidence in the video of any attempt by the applicant to break her fall, which would be indicative of a person who did not see the cart in advance." (Petition, September 29, 2025, p. 3, lines 17-18.) As similarly discussed above, defendant's interpretation of the video is far from conclusive. Pointedly, the WCJ found "the video and the testimony of the applicant support and corroborate each other in proving that the injury was an accident." (Report, October 10, 2025, p. 4, ¶ 4-p. 5, ¶ 1.) Defendant's argument is not sufficiently supported by evidence and amounts to speculation.

The WCJ found that applicant's testimony at trial was credible and that the video corroborated her credible testimony. (Opinion on Decision, September 4, 2025, p. 7, ¶ 2; Report, October 10, 2025, p. 4, ¶ 4.) We have given the WCJ's credibility determinations great weight because the WCJ had the opportunity to observe the demeanor of the witnesses and view the video. (*Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 318-319 [35 Cal.Comp.Cases 500].) Moreover, following our independent review of the record, we conclude there is no evidence of considerable substantiality that would warrant rejecting the WCJ's credibility determinations (*Id*.)

Consequently, the record as a whole reflects defendant failed to meet their burden in establishing that applicant intended to cause injury to herself.

We also concur with the WCJ's determination that inclusion of applicant's heart impairment in the award for future medical treatment is based on substantial evidence. The WCJ's award was based in part on the unrebutted conclusions of the Qualified Medical Examiner (QME), Melvin. Britton, M.D. (Report, October 10, 2025, p. 5, ¶ 5-p. 6, ¶ 2.) Dr. Britton testified by deposition in part as follows:

Q: … Was there any treatment that she needed as a result of that industrial injury, let's say on an internal basis? What treatment did that industrial injury necessitate here?

A. Well, the treatment would be just to give her good nutrition and to try to get her to lower her lipid level so that her heart would recover faster, you see. And then the question is, you know, and it's unanswerable, did she have a scar or something there, you see? And could that scar, if it were there, contribute to possible myocardial infarction at some time later when the heart was struggling and this part of the heart wasn't working as hard as it could. I mean, all that's hypothetical, but these are the things you have to think about.

Q: … So you know she went to seek medical treatment on September 22nd, 2019.

A: Uh-huh.

Q: And then – so that would be, at least in part, industrially caused, that treatment; right?

A: Yes. Yes. It happened at work. Yeah. Yeah.

Q: All right. And then there's a lot of follow-up visits – well, there's a lot on September 24. So that would be, in part, industrially caused on the 23rd and 24th, if you look at your records?

A: Yeah. There was a lot of work on the 23rd and 24th.

Q: Okay. And if I'm hearing you correctly, there is still some ongoing need for industrial treatment to the heart, on an industrial basis?

A: Well, that was apparently the feeling of the doctors who were treating her, yeah. *And I would agree*. [(emphasis added.)] They kept looking at things, and – you know, then things came back to normal. But, as I said, there would not be any way to pick up a little scar or something that might have been there, but that's just hypothetical.

(Joint Exh. 6, Deposition Transcript Dr. Britton, M.D., November 16, 2022, p. 21, line 20-p. 23, line 6.)

Dr. Britton explicitly testified he agreed with the determination of the treating doctors that there would be ongoing need for industrial treatment as to applicant's heart. (Joint Exh. 6, Deposition Transcript Melvin Britton, M.D., November 16, 2022, p. 22, line 22-p. 23, line 1.) Defendant did not rebut Dr. Britton's testimony and, in fact, jointly submitted Dr. Britton's

deposition testimony as evidence. Thus, substantial evidence supports the conclusion that the WCJ's award for future medical treatment appropriately included applicant's heart.

We also note it is well established that though future medical care is awarded, such an award does not mandate reimbursement of treatment if treatment is not warranted. Any claim for future medical care is not automatic and would be subject to utilization review (UR) to determine if the specific treatment is reasonable and necessary. (See Lab. Code, § 4610.)

Accordingly, we deny the Petition for Reconsideration.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ PAUL F. KELLY, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

DECEMBER 9, 2025

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

XIAN JI LI
HANNA LEUNG, PLC
EMPLOYMENT DEVELOPMENT DEPARTMENT
FLOYD SKEREN MANUKIAN LANGEVIN, LLP

DC/*cs*

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

Report and Recommendation on

Petition for Reconsideration and Notice of Transmission to WCAB

INTRODUCTION

Defendants seek reconsideration of my Findings and Award dated September 4, 2025. Therein, after finding that applicant had met her burden with regard to causation of injury, while defendant had not established that applicant's injury was self-inflicted, I awarded temporary total disability (TTD) and permanent partial disability (PPD) indemnity, along with future medical care to the: neck, back, hands/wrists, left shoulder, headaches, psyche and heart.

On reconsideration, the defendants contend that the injuries were self-inflicted within the meaning of Labor Code, section 3600, subdivision (a)(5). Further, defendants contend that I erred in awarding lien claimant, Employment Development Department (EDD), $19,234.90, which I ordered from the temporary total disability indemnity awarded to applicant. Finally, defendants contend that I erred in awarding future medical treatment to the heart, specifically, because the QME said the heart contusion had resolved without any residuals. The petition is timely and verified. As of the time of this report, it appears that no answer has been filed by the applicant.

FACTS

1. Procedural background

Applicant and defendants appeared at trial on the issue of injury AOE/COE, primarily and secondarily on the issues of temporary total disability (TTD), permanent partial disability (PPD) and future medical treatment for several agreed upon body parts. There was agreement that the applicant was working for defendant and that the applicant had a specific incident at work wherein she and a cart impacted each other causing her and the cart to fall over. The disagreement is over whether the applicant intentionally caused her injury. As described in my opinion on decision, the evidence presented at trial was from the applicant who testified that she was walking in the kitchen area when she was hit by a cart being pushed by a co-worker (See, page 6). There was video shown of the incident. There was nothing in the testimony of the applicant or the video that suggested that the injury was self-inflicted.

There was also agreement as to most of the body parts that were injured in the incident. These body parts had all been alleged and examined by a Qualified Medical Examiner (QME). There was disagreement regarding the heart. The defendants contend a heart contusion took place, but it resolved with no need for medical treatment. During treatment for the injury, it was also

found that applicant suffered from coronary artery disease, which the QME said is not industrial. Defendants therefore contend that even if I find industrial injury, I should not have awarded future medical treatment for the heart.

As the claim was denied, no TTD or PPD was paid. Lien claimant EDD had paid State Disability Insurance indemnity and EDD appeared at trial to assert their lien rights. EDD's lien was $22,567.70, for the period October 12, 2019, through May 31, 2020, at the rate of $678.00 per week. The parties agreed that EDD had paid indemnity for this period and agreed upon the rate EDD paid. Defendants contend the medicals filed by EDD do not support the claim for a portion of TTD awarded because the medical relates to heart disease, which is non-industrial.

2. Evidence at Trial

The parties introduced seven joint exhibits. Applicant filed three separate exhibits and lien claimant EDD, filed five exhibits. Defendant filed one exhibit, which was a video taken from inside the defendants' restaurant. The applicant testified on her own behalf. During applicant's testimony, she was cross-examined using the video (defendants exhibit A), which was taken on the night of the injury by two fixed cameras in the defendant restaurant's kitchen area. The applicant was asked questions about the video by both defense and applicant counsel. I summarized the video in my opinion on decision at pages 6-7, as follows:

> Video footage from the restaurant was shown and the applicant testified that the person in the video was her and the other person was her manager. The film showed the applicant and her manager talking and then the applicant walking away at a brisk pace. She may have dropped or thrown something as she started walking, but it is not clear as the video is from behind. After the applicant walks away from her manager she stops to talk to 2-3 people who appear to be co-workers. She then walks further and the video cuts to a different camera that picks up the applicant coming toward it. In this clip, the applicant is seen walking into the cart that appears in the video to be taller than the applicant, then she and the cart both fall over and she lands on top. She testified that she could not be sure she was in every part of the video as it is not easy to make out everything. She testified that the person walking into the cart is her. After she fell she remained on the floor.

The applicant testified that she was near the end of her shift and that a party came in. She testified that she did not want to serve this table, but was told her by manager that she had to. She

testified that she was not angry. She was going to the break room for a minute when she was struck by a cart being pushed by a co-worker. (Opinion on Decision, page 6)

The joint exhibits filed were the reports and deposition transcripts from three QMEs, one orthopedic, one internal and one psychological. These exhibits are summarized at pages 2-4 of my opinion on decision.

The exhibits filed by the applicant, include exhibit 3, which is the emergency department report on the night of the work incident occurred and includes a diagnosis of chest contusion and discharge instructions. These instructions discuss treatment relevant to a chest contusion.

The exhibits filed by lien claimant EDD include three medical certificates. The first medical certificate lists coronary artery disease and heavy lifting as causing the need for State Disability Insurance (SDI). The two subsequent medical certificates list the shoulder and back as causing the need for SDI.

DISCUSSION

1. <u>There is substantial evidence of injury AOE/COE, and a lack of substantial evidence in support of the affirmative defense of self-infliction of the injury.</u>

The parties agree that the applicant was at work, during her shift and indeed working when she struck a cart that was in the kitchen of the Benihana Restaurant in which she was working. Applicant's credible testimony at trial was that she had a discussion with her manager about a party that had just come in at the end of her shift and while walking in the kitchen area she struck a cart. She was less clear on whether she hit the cart or the cart hit her. The video corroborated her credible testimony. However, the video is grainy and mostly shows her from her back side. There were two camera angles shown. Nearly all of the video is from the camera showing her back side and a small portion shows her coming toward the camera and impacting the cart and it and the applicant falling over. As reflected above, the video and the testimony of the applicant support and corroborate each other in proving that the injury was an accident.

Labor Code section 3600, subdivision (a), provides that compensation will be paid without regard to negligence for any injury to an employee acting, in the course and scope of employment provided that certain conditions exist. One of those conditions listed in subdivision (a)(5) is that the injury not be self-inflicted. The case law interpreting section 3600, subdivision (a)(5) has put the burden of proof on the employer as an affirmative defense. In this case, there is no evidence of self-infliction of the injury. The applicant credibly testified that she was walking in the kitchen

area and she struck the cart. As indicated in my opinion on decision, even if one believes that the applicant was acting in a careless manner due to her being angry at her boss, the injury is industrial. This is akin to the employee who punches a wall after an argument. It should be noted here also that nothing in the testimony of the applicant or in the video suggests the applicant became angry. Applicant testified that she was not angry. The video shows her from behind. She walks away rather quickly, but that is the only proof that she was agitated at all. There simply is no evidence that could reasonably be interpreted to prove that the injury was anything other than an accident.

2. <u>There is substantial evidence of injury to the heart in the form of heart contusion for which future medical treatment is awarded.</u>

Of significance from the report of QME Melvin Britton (joint exhibit 5), is the history of the injury, in which he reviewed the emergency room doctor's report regarding applicant falling, after tripping, and hitting her chest hard in the fall. At the hospital, the applicant received a cardiac workup and was told she had coronary artery disease. Also, of significance in the report of Dr. Britton is the diagnosis on page 12, of his report, which includes, "Chest contusion with involvement of the heart." On page 13, Dr. Britton separates the coronary heart disease from the contusion, and he provides a PPD rating for the contusion of only 3%. In the deposition of Dr. Britton, most of the time is spent discussing the rating of 3% and where it was derived through the 3% pain "add-on" through *Milpitas Unified School Dist. v. Workers' Comp. Appeals Bd.* (Guzman) (2010) 187 Cal.App.4th 808.

The discussion continues regarding whether the condition resolved. Dr. Britton seems to indicate that the heart as a muscle may likely recover, but these questions were hypothetical since Dr. Britton had not examined the applicant between the time of his report and his deposition. He distinguishes the heart contusion from the cardiac artery disease at pages 13, line 22 through 14, line 2.

3. <u>There is substantial evidence to support the award of TTD to the applicant and reimbursement to EDD of $19,234.90.</u>

Applicant's credible testimony at trial was that she was unable to work due to the injury from the date of the injury for one year. The initial report from the orthopedic QME, Rommel Hindocha, DC (joint exhibit 1), states that the applicant was unable to work due to her injury from the date of injury until she started part-time work in August or September of 2020. In his supplemental report (joint exhibit 2), Dr. Hindocha determined the applicant was not yet P&S. In his re-examination report, dated May 24, 2022, (joint exhibit 3), Dr. Hindocha went back to

September 9, 2021, as the P&S date. According to the credible testimony of the applicant and the reporting of Dr. Hindocha, the period of TTD is from September 23, 2019, the day after her injury to September 22, 2020.

EDD paid SDI from October 12, 2019, through May 31, 2020. This period is completely overlapped by the period of TTD awarded to the applicant. The medicals provided by EDD support a finding that the medical conditions for which applicant received SDI are the same as those that TTD is awarded. The first medical certificate lists cardiac artery disease, which is exactly what was found during the emergency room visit. The two following medical certificates list the shoulder and back, which are also part of this claim. As the heart contusion is industrial and as the period paid by EDD is completely overlapped by the period of TTD, EDD is entitled to reimbursement from the TTD awarded applicant for the entire period it paid. The parties in this case have stipulated to the average weekly wage (AWW) and TTD rate. The TTD rate is lower than the rate paid by EDD. While EDD is entitled to reimbursement for the entire period it paid, it is only entitled to the rate TTD is paid. The award of $19,234.90, is based on the entire period paid by EDD at the stipulated TTD rate. The TTD awarded to the applicant is the one year period discussed above at the TTD rate to which the parties stipulated, minus the amount to be paid to EDD for reimbursement of its lien.

RECOMMENDATION

For the forgoing reasons, I recommend that defendant's Petition for Reconsideration, filed herein on September 29, 2025, be denied. This matter is being transmitted to the Appeals Board on the service date indicated below my signature.

WCJ Bernhard Baltaxe

Workers' Compensation Judge

Workers' Compensation Appeals Board

ON: October 10, 2025