

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

**ANDERSON ALEXANDER, *Applicant***

**vs.**

**UNITED STAFFING ASSOCIATES;  
ZURICH NORTH AMERICAN INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ12588331  
Bakersfield District Office**

**OPINION AND ORDER  
DENYING PETITION FOR  
RECONSIDERATION**

Defendant seeks reconsideration of the Findings of Fact and Order (F&O) issued on December 26, 2025, by the workers' compensation administrative law judge (WCJ). The F&O issued by the WCJ found, as relevant here, that applicant sustained injury arising out of and in the course of employment (AOE/COE) to the lumbar spine and neck on August 20, 2019 while employed as a welder by defendant.

Defendant contends that the WCJ erred by finding injury AOE/COE because applicant's testimony should have been found not credible.

We have not received an answer from applicant. The presiding WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition be denied.

We have considered the allegations of the Petition for Reconsideration and the contents of the Report of the presiding WCJ with respect thereto. Based on our review of the record, for the reasons stated in the Report, which we adopt and incorporate as quoted below, and for the reasons discussed below, we will deny reconsideration.<sup>1</sup>

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<sup>1</sup> Commissioner Sweeney, who was on the panel that issued a prior decision in this matter, no longer serves on the Appeals Board. Another panelist was appointed in her place.

## FACTUAL BACKGROUND

We will briefly review the relevant facts.

Applicant claims to have sustained injury to the head, vision, lumbar spine, neck, and eyes arising out of and occurring in the course of employment as a welder on August 24, 2019<sup>2</sup>. Defendant denied the claim.

In connection with the claim, applicant was seen by Esmail Nadjmabadi, D.C. (App. Exh. 1, Doctor's First Report from Esmail Nadjmabadi, D.C., August 29, 2019.) Applicant reported injury to the head and neck. (App. Exh. 1, Doctor's First Report from Esmail Nadjmabadi, D.C., August 29, 2019, p. 4, ¶ 1.)

Applicant also established care with primary treatment physician (PTP) Nicholas Vanderhyde, D.C. (App. Exh. 2, PTP Initial Report of Nicholas Vanderhyde, D.C., March 12, 2020.) At an initial evaluation on March 12, 2020, applicant complained of head, neck, and back pain. (App. Exh. 2, PTP Initial Report of Nicholas Vanderhyde, D.C., March 12, 2020, p. 1, ¶ 2.)

Jonathan Wang, M.D., was selected as the PQME in the specialty of neurology and Scott Graham, M.D., was selected as the PQME in the specialty of orthopedics. As summarized by the presiding WCJ in the Report, the reporting of Dr. Wang and Dr. Graham was as follows:

Jonathan L. Wang M.D. is serving as a Qualified Medical Evaluator in the field of Neurology. Dr. Wang conducted an initial evaluation on April 14, 2020 and provided a report. After examination and review of the available records, Dr. Wang opined that Applicant had developed a post-concussive syndrome with cervical and lumbar strain or sprain with radicular features including headache and neck pain. *Defendant's Exhibit A: Report of Jonathan Wang, M.D. 4/14/2020 p. 15.* Dr. Wang opined that Applicant was not yet permanent and stationary and would benefit from therapy and other treatment for a traumatic head injury and neck injury as well as the passage of 12-14 months. He deferred further comment until after receipt and review of further records. *Defendant's Exhibit A: Report of Jonathan Wang, M.D. 4/14/2020 p. 17.*

Dr. Wang received additional records, re-examined Applicant and provided a report on March 11, 2021. He noted a letter from Petitioner's counsel wherein it was represented to him that "Mr. Anderson sustained a very light glancing blow which obviously could not have caused any injury" and that the metal ball had contacted Applicant's hard hat rather than this head. *Defendant's Exhibit B: Report of Jonathan Wang, M.D. 3/11/2021 p.3.* Dr. Wang critically reviewed Applicant's

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<sup>2</sup> The F&O finds industrial injury as occurring on August 20, 2019 per the stipulations of the parties at trial; however, the pleadings and medical reporting interchangeably refer to the date of injury as either August 20, 2019, August 24, 2019, or August 28, 2019. As the parties stipulated to an August 20, 2019 date of injury and petitioner and their witness at trial do not challenge that an incident occurred, we will not disturb the date of injury as found by the WCJ.

history has indicated in the available medical records and the witness statements of Supervisor Rodriguez and co-employee Joseph Valdez. He concluded that:

After reviewing the witness statements from two sources (Joseph Valdez and Reynaldo Rodriguez which indicated that examinee was wearing a safety hat at the time of the incident, that there was no fall associated thereafter the impact and he was able to continue working. When all is taken into account, the picture places the applicant under a questionable light insofar as trustworthiness.

At this time, barring contradicting information, this examiner is of the opinion that applicant's headache and reported cognitive deficit are non-industrial in origin; although this examiner is of the further opinion that conditions of cervical and lumbar sprain and strain (with resolution of radiating pain and numbness/tingling) are likely also non-industrial. However, these conditions are deferred to Orthopedic PQME for further determination of occupational relatedness. ...

Based on Labor Codes 4663 and 4664, it is my professional medical opinion that the industrial accident which had occurred on 8/24/20219 while under the employment of United Staffing Associates as welder is not the causation of Mr. Anderson's presentation of headache and cognitive deficit. *Defendant's Exhibit B: Report of Jonathan Wang, M.D. 3/11/2021 p. 20.*

Scott Graham, M.D. is serving as an Orthopedic PQME. He initially evaluated Applicant on June 15, 2022 and provided a report. Applicant was described as a "very poor historian and difficult to extract information from." Dr. Graham noted a pre-injury of hypertension, headaches and dental pain with reports during the period from August 24, 2021 to August 13, 2019 with a CT scan of Applicant's head on February 16, 2018 on which "no acute intracranial abnormalities were seen." Dr. Graham also noted Applicant's evaluation with Maurice Minervini, D.O. with Dr. Minervini opining that Applicant has sustained no ratable impairment, was no long in [need] of future medical care and releasing him to full duty work. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 p. 2.*

Dr. Graham noted the normal results of EMG/NCS testing on April 14, 2020, as well as the reports of Dr. Wang, including Dr. Wang's adverse opinion regarding Applicant's trustworthiness but he also noted that Dr. Wang had deferred to orthopedic evaluation regarding occupational relatedness of Applicant's spinal complaints. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 pp. 3-4.*

Dr. Graham diagnosed a resolved cervical musculoligamentous strain and residuals of a lumbosacral musculoligamentous strain. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 p. 11.*

Dr. Graham opined that “the claimant suffered a cervical strain as a result of the industrial injury of 8/24/19” which “arose out of employment and was caused by employment.” Dr. Graham also opined that if Applicant was pushed into nearby I-beams striking his lower back, it is medically probable that his low back condition was also a result of the 8/24/19 injury but deferred to the Trier of Fact regarding whether that history was correct. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 p. 12.*

Dr. Graham opined that Applicant was permanent and stationary with respect to his cervical spine as of “Dr. Vanderhyde’s report of 11/18/20” with impairment consistent with DRE Cervical Category I with 0% WPI. Dr. Graham opined that Applicant was not yet permanent and stationary with respect to his lumbar spine. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 pp. 12-13.*

Dr. Graham opined that Applicant had no further need for medical treatment for his cervical spine but was in need of further medical treatment for his lumbar spine. *Joint Exhibit 01: Report of Scott Graham, M.D. 6/15/2022 pp. 14-15.*

Dr. Scott Graham continued to serve as a Qualified Medical Examiner in the field of Orthopedics. He re-evaluated Applicant on June 15, 2023 and provided a report. Dr. Graham noted that Applicant had no interim medical treatment beyond medications since his prior examination. Dr. Graham noted that Applicant’s complaints included his eyes, head, trunk and sexual dysfunction as well as his cervical and lumbar spine. He deferred to other experts on the non-spinal issues and noted that he had already indicated that Applicant’s cervical spine was “fully recovered with 0% WPI.” *Joint Exhibit 02: Report of Scott Graham, M.D. 6/15/2023 p.3.*

Dr. Graham opined that Applicant sustained an industrial injury to his lumbar spine on 8/24/2019 when he was pushed against I-beams at work and struck his lower back. He opined that Applicant still was not permanent and stationary with respect to his lower back, that he still needed further medical treatment and that his lumbar spine condition was entirely the result of the work injury. *Joint Exhibit 02: Report of Scott Graham, M.D. 6/15/2023 pp. 12-13.*

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Between Applicant’s attorneys’ two petitions to withdraw, the deposition of QME Dr. Graham was taken. Dr. Graham testified that if the history of Applicant being pushed into I-beams was incorrect, there would be no orthopedic injury. Defendant’s Exhibit C: *Deposition of Scott Graham, M.D. 11/09/2023 p. 9 lines 1-19.* Dr. Graham also testified that if Applicant sustained the claimed lower back injury and if he was permanent and stationary, he would probably be within DRE Category II with 5% Whole Person Impairment. *Defendant’s Exhibit C: Deposition of Scott Graham, M.D. 11/09/2023 p. 11 lines 2-12.*

(Report, February 24, 2026, p. 3, ¶ 4-p. 7, ¶ 3.)

On November 4, 2025, the matter proceeded to trial on the issue of AOE/COE. Applicant testified on his own behalf, and applicant's co-worker, Reynaldo Rodriguez, testified as a witness for defendant. As summarized in the Report, the witnesses testified as follows:

Applicant testified that he was struck in the head by the iron ball and was driven back by the blow into the I-beams, where he struck his lower back. *Summary of Evidence 11/04/2025 p. 3 line 40 to p. 4 line 10, p. 4 line 39 to p. 5 line 4 (Testimony of Anderson Alexander).*

Supervisor Reynaldo Rodriguez testified that Applicant stood up and hit the iron ball. Applicant was struck on his hard hat, which came off. Applicant did not appear to be injured. Applicant was not knocked back into the I-beams and did not strike his lower back on the I-beams. *Summary of Evidence 11/04/2025 p. 5 lines 9-17 (Testimony of Reynaldo Rodriguez).*

The matter stood submitted, and thereafter the WCJ issued the F&O with the following findings:

- a. Applicant Alexander sustained injury arising out of and in the course of employment to the lumbar spine and neck on August 20, 2019 while employed as a welder by United Staffing Associates.
- b. Applicant Alexander did not sustain injury arising out of and in the course of employment to the head on August 20, 2019 while employed as a welder by United Staffing Associates.
- c. There is insufficient evidence to determine whether Applicant Alexander sustained injury arising out of and in the course of employment to the vision and eyes.

(F&O, December 26, 2025, p. 2, ¶¶ a-c.)

Defendant then sought reconsideration of the F&O.

## DISCUSSION

### I.

Former Labor Code section<sup>3</sup> 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. Code, § 5909.) Effective July 2, 2024, section 5909 was amended to state in relevant part that:

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<sup>3</sup> All further references are to the Labor Code unless otherwise noted

(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 February 24, 2026 and 60 days from the date of transmission is Saturday, April 25, 2026. The next business day that is 60 days from the date of transmission is Monday, April 27, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)<sup>4</sup> This decision is issued by or on Monday, April 27, 2026, 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 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 February 24, 2026, and the case was transmitted to the Appeals Board on February 24, 2026. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties

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<sup>4</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.

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 February 24, 2026.

## 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 either party." (Cal. Const., art. XIV, § 4.)

Pursuant to section 3600, to be compensable, an injury must arise out of and occur in the course of employment. (Lab. Code, § 3600(a)(2).) An employer is liable for workers' compensation benefits "without regard to negligence." (Lab. Code, § 3600(a).)

Although it is the employee's burden to demonstrate by a preponderance of the evidence that they sustained a compensable injury, the concept of what constitutes a work-related injury is broad. (*South Coast Framing v. Workers' Comp. Appeals Bd. (Clark)* (2015) 61 Cal.4th 291, 297-298, 302 [80 Cal.Comp.Cases 489]; Lab. Code, §§ 3600(a), 3202.5.) The determination of whether an injury arises out of and in the course of employment is based on "criteria" that are "fluid," and "must therefore be decided on the facts peculiar to each case." (*Westbrooks v. Workers' Comp. Appeals Bd.* (1988) 203 Cal.App.3d 249 [53 Cal.Comp.Cases 157]; see also, *LaTourette v. Workers' Comp. Appeals Bd.* (1998) 17 Cal.4th 644, 651-652 [63 Cal.Comp.Cases 253].) If we look for a causal connection between the employment and the injury, such connection need not be the sole cause; it is sufficient if it is a contributory cause. (*Employers Mut. Liability Ins. Co. v. Industrial Acci. Com. (Gideon)* (1953) 41 Cal.2d 676, 680; *Maher v. Workers' Comp. Appeals Bd.* (1983) 33 Cal.3d 729, 736 [48 Cal.Comp.Cases 326]; *Madin v. Industrial Acc. Com.* (1956) 46 Cal.2d 90, 92-93 [21 Cal.Comp.Cases 49].) "All that is required is that the employment be one of the contributing causes without which the injury would not have occurred." (*Clark, supra*, at 297-298, quoting *LaTourette, supra*, at p. 651, fn. 1; *Maher, supra*, at p. 734, fn. 3.) Further, it is well established that "the [Worker's] Compensation Act must be liberally construed in the employee's favor (Lab. Code § 3202), and all reasonable doubts as to whether an injury arose out of employment are to be resolved in favor of the employee [citation]." (*Lundberg v. Workmen's*

*Comp. App. Bd.* (1968) 69 Cal.2d 436, 439 [33 Cal.Comp.Cases 656]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 317 [35 Cal.Comp.Cases 500].)

The determination of whether an injury arises out of and in the course of employment requires a two-prong analysis. (*LaTourette, supra*, at pp. 650-651.) First, the injury must occur “in the course of employment,” which ordinarily “refers to the time, place, and circumstances under which the injury occurs.” (*Id.*, at p. 651.) Second, the injury must “arise out of” the employment, “that is, occur by reason of a condition or incident of employment, [however], the injury need not be of a kind anticipated by the employer nor peculiar to the employment in the sense that it would not have occurred elsewhere.” (*Gideon, supra*, at pp. 679-680.) If we look for a causal connection between the employment and the injury, such connection need not be the sole cause; it is sufficient if it is a contributory cause. (*Id.*, at p. 680; *Maher, supra*, at p. 736; *Madin, supra*, at pp. 92-93.) “All that is required is that the employment be one of the contributing causes without which the injury would not have occurred.” (*Clark, supra*, at pp. 297–298, quoting *LaTourette, supra*, at p. 651, fn. 1; *Maher, supra*, at p. 734, fn. 3.)

In this case, defendant alleges that the WCJ’s finding of injury AOE/COE is not supported by substantial medical evidence because it was error to find applicant’s testimony was credible. However, the WCJ indicated a finding of injury AOE/COE to the lumbar spine and neck was supported by the documentary evidence of QME Dr. Graham and PTP Dr. Vanderhyde. (Opinion on Decision, December 26, 2025, p. 3, ¶ 1.) Applicant’s testimony as to the injury was consistent with what he reported to Dr. Graham and Dr. Vanderhyde. (Joint Ex. 2, medical report of QME Dr. Graham dated June 15, 2023, p. 11; Joint Ex. 1, medical report of QME Dr. Graham dated June 15, 2022, p. 12; App. Exh. 2, PTP Initial Report of Dr. Vanderhyde, March 12, 2020, p. 1, “History of Injury.”) Dr. Vanderhyde was of the opinion that applicant’s symptomatology was the result of work-related injuries that occurred on August 24, 2019, during the course of his employment for defendant. (App. Exh. 2, PTP Initial Report of Dr. Vanderhyde, March 12, 2020, p. 4, “Causation.”)

Dr. Graham indicated that it was “within a reasonable degree of medical probability that” applicant’s cervical strain was industrial and AOE/COE. (Joint Ex. 1, medical report of QME Dr. Graham dated June 15, 2022, p. 12, ¶ 3-4.) Similarly, Dr. Graham also indicated it was “within a reasonable degree of medical probability that the claimant’s lumbar condition is resultant from the industrial injury on 8/24/2019 when at the time of the accident he was pushing into nearby I-beams

and struck his lower back. The claimant’s injury arose out of employment and was caused by employment.” (Joint Ex. 2, medical report of QME Dr. Graham dated June 15, 2023, p. 11, “Causation;” Joint Ex. 1, medical report of QME Dr. Graham dated June 15, 2022, p. 12, ¶ 6.) Dr. Graham found injury AOE/COE to the cervical spine and low back even after observing in his June 15, 2022 medical report that applicant was a “very poor historian and difficult to extract information from” and after reviewing the notes of Dr. Wang questioning applicant’s “trustworthiness.” (Joint Ex. 1, medical report of QME Dr. Graham dated June 15, 2022, p. 2, “History of Injury;” p. 3, ¶¶ 2-3.) During a deposition, Dr. Graham was presented with a hypothetical that if applicant was not pushed into an I-beam, then there would be no injury, to which Dr. Graham answered in the affirmative. (Def. Exh. C, QME Deposition Transcript of Dr. Graham, November 9, 2023, p. 9, lines 1-6.) However, Dr. Graham went on to clarify that “the mechanism that claimant gave [him] – the mechanism of injury is consistent with an injury to the lower back and the symptoms he purportedly was continuing to suffer from,” and where there was a dispute as to whether this actually occurred, then he deferred to the trier of fact in making that determination. (Def. Exh. C, QME Deposition Transcript of Dr. Graham, November 9, 2023, p. 14, lines 9-16.)

The WCJ ultimately concluded applicant testified credibly that his head was hit by an iron ball on the crane. (Opinion on Decision, December 26, 2025, p. 3, ¶ 4.) The WCJ acknowledged that there was some disparity in applicant’s versus Mr. Rodriguez’s testimony regarding how the injury occurred, but, nevertheless, it was undisputed that both applicant and Mr. Rodriguez testified that applicant’s head was hit by an iron ball on a crane. (Opinion on Decision, December 26, 2025, p. 3, ¶¶ 4-6; see, Minutes of Hearing/Summary of Evidence (MOH/SOE), November 4, 2025, p. 4, lines 2-4; p. 5, lines 25-26.) Although applicant estimated a higher weight for the iron ball, Mr. Rodriguez testified that it weighed about 50 pounds, a weight the WCJ observed was “still a significant weight,” and a characterization with which we agree. (Opinion on Decision, December 26, 2025, p. 4, ¶ 1.) Whether applicant was on the ground when the iron ball hit his head then stood up (MOH/SOE, November 4, 2025, p. 3, line 41-p. 4, line 11) or whether he stood up and hit his head (MOH/SOE, November 4, 2025, p. 5, line 21-26), is of little significance as liability exists “without regard to negligence . . . against an employer for any injury sustained by his or her employees arising out of and in the course of the employment.” (Lab. Code, § 3600(a).)

In sum, we believe there is substantial medical evidence of injury AOE/COE for the lumbar spine and neck. The WCJ acknowledged the credibility concerns related to applicant's testimony and reached a determination based on the complete record. Pointedly, the WCJ did not accept applicant's testimony uncritically. Instead, the WCJ weighed the evidence and concluded that it supported a finding of AOE/COE for some, but not all, of applicant's alleged impairments.

We have given the WCJ's credibility determinations great weight because the WCJ had the opportunity to observe the demeanor of the witnesses. (*Garza, supra*, at pp. 318-319.) Furthermore, 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.*) Therefore, we will not disturb the WCJ's finding that applicant's injury to the lumbar spine and neck AOE/COE. Defendant's arguments regarding the applicant's credibility are simply not persuasive. Further, as explained in the Report:

Petitioners correctly noted that WCAB decisions must be supported by substantial evidence and correctly described the conflict in the testimony between Applicant and Supervisor Rodriguez. Petitioner also correctly recounts that Dr. Wang expressed doubt regarding the trustworthiness of Applicant but deferred orthopedic issues to an orthopedic QME while Dr. Graham deferred the factual question of whether Applicant was knocked back into the I-beams to the Trier of Fact. *Petition for Reconsideration 1/12/2026 pp. 4-7.*

Petitioner then argues that the decision is not supported by substantial evidence because while WCJ Zinner expressly described Applicant as credible but neglected to describe Supervisor Rodriguez as the reverse and thereby isolated only favorable evidence in the record. Petitioners also complain that WCJ Zinner neglected to consider adverse or contrary evidence, particularly Dr. Wang's adverse opinion regarding Applicant's trustworthiness. *Petition for Reconsideration 1/12/2026 pp 10-11.*

The first problem with the argument of the pending petition is that rudeness is not required. The standard of proof in California workers' compensation proceedings is preponderance of the evidence, meaning "evidence, that when weighed with that opposed to it, has more convincing force and the greater probability of truth." Lab. C. §3202.5. Thus, WCJ Zinner was free to find Applicant's testimony more credible than the contrary testimony of Supervisor Rodriguez without thereafter calling Mr. Rodriguez a liar or otherwise personalizing the controversy. "Less credible" and "dishonest" are not the same thing.

Judge Zinner explained that she believed that the head-strike did occur, that Supervisor Rodriguez laughed or giggled at the situation and failed to follow proper

procedures in response to a work injury. That is felt to be ample support for her credibility determination.

The second problem with the argument of the pending petition is the great deference that is properly given to the credibility determinations of the Trier of Fact. WCJ Zinner was present for Trial and able to assess the verbal and non-verbal demeanor of the witnesses.

The third problem with the argument of the pending petition is that WCJ Zinner clearly did not disregard the adverse evidence. To the contrary, she expressly followed the adverse opinion of Dr. Wang regarding Applicant's claim of a neurological injury to his head,. She found that it did not occur. *Finding of Fact & Order 12/26/2025 p. 2 (Finding of Fact 1{b}), p. 3 ¶2 (Opinion on Decision)*. However, Judge Zinner also appears to have also been guided by Dr. Wang's limitation of his adverse opinion to the issues within his expertise and his deference to orthopedic medical-legal evaluation regarding orthopedic issues. Far from isolating only the favorable portions of the record, Judge Zinner's decision is felt to be a careful and complete analysis of both the content and the limitations of Dr. Wang's expert opinion.

(Report, February 24, 2026, p. 9, ¶ 2-p. 10, ¶ 3.)

As a result, we conclude that there are no obvious and impeachable inconsistencies to disturb the WCJ's assessment of credibility. As detailed above, the preponderance of the evidence supports that applicant sustained an industrial injury AOE/COE to the lumbar spine and neck.

Accordingly, we deny defendant's Petition for Reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Reconsideration of the December 26, 2025 Findings and Award is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

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

**I CONCUR,**

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

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**APRIL 27, 2026**

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

**ANDERSON ALEXANDER  
PERONA, LANGER, BECK, & HARRISON  
SCHALLERT PC**

**DC/cs**

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