

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

CANDY LUZADAS, *Applicant*

vs.

**KAISER FOUNDATION HEALTH PLAN, permissibly self-insured
administered by SEDGWICK CMS, *Defendants***

**Adjudication Numbers: ADJ21776643, ADJ22765109
Van Nuys District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR RECONSIDERATION**

Applicant seeks reconsideration of the “Order Approving Compromise and Release” (OACR) issued on June 18, 2026, by the workers’ compensation administrative law judge (WCJ).

Applicant contends that the settlement should be set aside because she signed it under duress.

We have not received an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending that we return the matter to the trial level to treat the petition as one seeking to set aside the OACR.

We have considered the allegations of the Petition for Reconsideration and the contents of the WCJ’s Report. Based on our review of the record we will dismiss applicant’s petition for reconsideration and return this matter to the trial level so that the WCJ may treat the petition as one seeking to set aside the OACR. The WCJ may conduct a hearing and decide whether the OACR should be set aside. Any party aggrieved by the WCJ’s decision on the petition to set aside may then seek reconsideration at that time.

DISCUSSION

I.

During the period from July 1, 2026, to July 13, 2026, Labor Code section 5909(a) 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(a).)

Here, the Petition for Reconsideration was filed on July 6, 2026, and 60 days from the date of filing is Friday, September 4, 2026. This decision is issued by or on September 4, 2026, so that we have timely acted on the petition as required by Labor Code section 5909(a).

II.

The Appeals Board has a constitutional mandate to “ensure substantial justice in all cases.” (*Kuykendall v. Workers’ Comp. Appeals Bd.* (2000) 79 Cal.App.4th 396, 403 [65 Cal.Comp.Cases 264].) Substantial justice is “[j]ustice fairly administered according to the rules of substantive law, regardless of any procedural errors not affecting the litigant’s substantive rights; a fair trial on the merits.” (Black’s Law Dictionary (7th ed. 1999).)

Labor Code section 5313 requires a WCJ to state the “reasons or grounds upon which the determination was made.” 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 (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc), citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350, 351].) A decision “must be based on admitted evidence in the record” (*Hamilton, supra*, at p. 478), and 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].) As required by section 5313 and explained in *Hamilton*, “the WCJ is charged with the responsibility of referring to the evidence in the opinion on decision, and of clearly designating the evidence that forms the basis of the decision.” (*Hamilton, supra*, at p. 475.)

Here, and as noted by the WCJ in the Report, none of the issues discussed in applicant’s petition for reconsideration have proceeded to a hearing. Applicant, in essence, requests to set

aside the OACR on the grounds of duress. Applicant bears the burden of proof on that issue, which requires that the matter proceed to trial.

Accordingly, we dismiss applicant's Petition for Reconsideration as the issues raised are not ripe for adjudication. We return this matter to the trial level so that the petition may be treated as a petition to set aside the OACR and so that a hearing may be conducted on the petition.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Order Approving Compromise and Release issued on June 18, 2026, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 3, 2026

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

**CANDY LUZADAS
ACUMEN LAW**

EDL/mt

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