**WORKERS' COMPENSATION APPEALS BOARD**

**STATE OF CALIFORNIA**

**CAROLINA PUENTE, *Applicant***

**vs.**

**S AND S COASTAL FOODS LLC., dba JACK IN THE BOX; UNITED WISCONSIN INSURANCE COMPANY administered by NEXT LEVEL, *Defendants***

**Adjudication Numbers: ADJ16835373, ADJ16835370**
**Los Angeles District Office**

# OPINION AND ORDER DENYING PETITION FOR REMOVAL

Applicant has filed a petition for removal from the order setting the matter for trial issued on June 10, 2026, by the workers' compensation administrative law judge (WCJ). The WCJ denied applicant's request for change of venue.

Applicant contends that venue should be changed to Riverside.

We have received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal, the Answer, and the contents of the WCJ's Report. Based on our review of the record and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's Report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable

harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

We would remind applicant's attorney, Gil Arbel (CA BAR #300303), that petitions for removal must be filed in good faith and may not be frivolous. The petition in this matter borders upon a frivolous filing, particularly since applicant chose venue in Los Angeles when filing the application and the presiding judge has indicated that both applicant and witnesses may appear remotely for trial if they do not wish to travel.

Accordingly, we deny removal.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Removal from the order setting the matter for trial issued on June 10, 2026, by the WCJ 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**

**November 2, 2026**

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

**CAROLINA PUENTE**
**LAW OFFICE OF GIL L. ARBEL**
**ME LAW LADERA RANCH**

**EDL/cm**

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