

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

CHAUNTE BALDWIN PAGE, *Applicant*

vs.

**AC HOME HEALTH AGENCY, INC.;
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ8923322
Los Angeles District Office**

**OPINION AND ORDER
DENYING PETITION FOR
RECONSIDERATION**

Cost petitioner Supreme Copy Service, Inc. (cost petitioner) seeks reconsideration of the Amended Findings and Award (F&A), issued by the workers' compensation administrative law judge (WCJ) on May 21, 2026, wherein the WCJ found in pertinent part that: 1) cost petitioner provided medical-legal services between August 25, 2013 and June 12, 2015, with a reasonable value of \$2,315.20 after credit for payments previously made and the sum of \$680.48 is owed; 2) cost petitioner is a 15% penalty on the amount awarded, plus interest at the rate of 7% per annum from June 15, 2015; and 3) costs and sanctions are not warranted against either party in this matter.

Cost petitioner contends that the WCJ relied on the fee schedule, but that its evidence demonstrates that it is entitled to a higher rate; and that defendant engaged in bad faith tactics that caused delay so that it is entitled to costs and sanctions.

We did not receive an Answer from defendant.

The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition be denied.

We have considered the allegations in the Petition, and the contents of the Report. Based on our review of the record, as discussed in the WCJ's Report, which we adopt and incorporate, and as discussed below, we will deny cost petitioner's Petition.

BACKGROUND

Applicant claimed injury to her wrist, shoulder, neck and arm while employed by defendant as a fleet nurse on December 26, 2012.

In a letter dated February 26, 2013 to applicant, defendant provided information regarding its Medical Provider Network (MPN). (Exhibit D, 2/26/2013.)

In a letter dated February 27, 2013, defendant issued a Notice Regarding Temporary Disability Benefits stating that payments are beginning for temporary disability for the period from February 8, 2013 through February 27, 2013. (Exhibit A, 2/27/2013.)

On April 18, 2013, an Application for Adjudication of Claim was filed. Paragraph 9 states, “This application was filed because of a disagreement regarding liability for: Temporary disability indemnity, Permanent disability indemnity, Reimbursement for medical expense, Rehabilitation, OTHER (Specify) ALL BENEFITS.”

Applicant’s attorney ordered Subpoena Duces Tecum (SDT). (Exhibits 1-2, 4/29/2013-6/12/2015.) Between April 29, 2013 to June 12, 2015, cost petitioner issued SDTs to various entities. (Exhibits 3-13, 4/29/ 2013 – 6/12/2015.) Cost petitioner issued invoices to defendant for its copy services beginning on August 25, 2013 through June 12, 2015. (Exhibits 14-24, 8/25/2013-6/12/2015.)¹

The matter was resolved by way of a Compromise and Release (C&R) and an Award Approving Compromise and Release (OACR) issued on October 11, 2016.

Defendant issued several Explanations of Review (EOR) dated between November 27, 2013 and October 16, 2019 for cost petitioner’s services. (Exhibit E, 11/27/2013.) Defendant issued payment for some of the copy services, while others were not paid.

Defendant issued objection letters to cost petitioner’s invoices between February 21, 2014 through March 10, 2014. (Exhibit C, 2/21/2014.)

On June 28, 2024, cost petitioner filed a Petition for Determination of Medical-Legal Expense Dispute.

On August 15, 2024, cost petitioner filed a Declaration of Readiness to Proceed on its Petition, and on September 2, 2025, the matter proceeded to trial.

¹ At trial, the WCJ marked Exhibits 3 to 24 for identification only and stated that he would defer his ruling on them until the time of his decision. Unfortunately, the WCJ neglected to issue such an order, but since he relied on the Exhibits in his decision, we presume that he intended to admit them.

On May 4, 2026, the WCJ issued the Findings and Award.

On May 18, 2026, defendant filed a petition to correct a clerical error.

On May 21, 2026, the WCJ issued an Amended Findings and Award.

DISCUSSION

I.

Former Labor Code² 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. 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 June 11, 2026 and 60 days from the date of transmission is August 10, 2026. This decision is issued by or on August 10, 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

² Unless otherwise stated, all further statutory references are to the Labor Code.

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 June 11, 2026, and the case was transmitted to the Appeals Board on June 11, 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 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 June 11, 2026.

II.

In addition to the WCJ's discussion in the Report incorporated hereto, we find it important to discuss *Emma Medina v. Sunrise Restaurant, L.L.C., dba Denny's Restaurant*, 2020 Cal.Wrk. Comp. P.D. LEXIS 168 cited by cost petitioner. Cost petitioner cites *Medina* for the proposition that a WCJ is permitted to use their discretion to consider the fee schedule in cases such as the one here where it does not apply. Cost petitioner asserts that a WCJ who elects to follow the fee schedule must explain why the amounts in the fee schedule are more reasonable than the market rate evidence provided by cost petitioner. Cost petitioner's analysis of *Medina* is inaccurate. *Medina* required the WCJ to explain the reasoning behind awarding twice the fee schedule amount, and not why the fee schedule was used. Additionally, as also addressed in *Medina*, simply because a cost petitioner offers "market rate" evidence that is not directly rebutted by the defendant, the WCJ is not required to follow that evidence and may still choose to follow the fee schedule.

Accordingly, cost petitioner's Petition for Reconsideration is denied.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration of the Amended Findings and Award issued on May 21, 2026 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 10, 2026

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

**STATE COMPENSATION INSURANCE FUND
SUPREME COPY**

DLM/oo

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

REPORT AND RECOMMENDATION ON PETITION FOR RECONSIDERATION

I

INTRODUCTION

1. IDENTITY OF PETITIONER: Cost Petitioner Supreme Copy
2. TIMELINESS: The Petition was timely filed on 05/27/2026.
3. VERIFICATION: The Petition is verified.
4. PETITIONER'S CONTENTION(S): The WCJ erred in his decision dated 05/18/2026 in discounting Petitioner's purported market rate evidence as to the value of its copy service charges, and in denying to impose costs and sanctions against Defendant.
6. **DATE EAMS FILE TRANSMITTED TO APPEALS BOARD: JUNE 11, 2026**

II

DISCUSSION

1. REASONABLENESS OF CHARGES

Petitioner initially challenges the Court's weighing of the evidence regarding the reasonable value of its pre-schedule copy service charges, specifically claiming that the Court should have been persuaded by the geographical analysis evidence presented at trial [Exhibit 26]. This was one of the factors considered by the Court, but the evidence was certainly no more persuasive to the Court than the subsequent copy service fee schedule as to the reasonable value of the services. Percentage of recovery of billed charges is not a metric recognized by the Court as a measure of reasonableness, and there is no mention of such an analysis in cases like Kunz v. Patterson Flooring Coverings, Inc. 67 Cal. Comp. Cases 1588; 2002 Cal. Wrk. Comp. LEXIS 1605 and Tapia v. Skill Master Staffing, 73 Cal. Comp. Cases 1338; 2008 Cal. Wrk. Comp. LEXIS 279, which state only that a judge can consider a wide range of factors, not that a judge is bound to follow any particular formula in weighing the different factors.

The Court in this case gave great weight to the fee schedule, not because it was bound to

do so, but since the fee schedule value for a service is presumed reasonable. There is no such similar guarantee for Petitioner's claimed "market rate." Petitioner's exhibit does not indicate that the services in its exhibit were actually similar to the services in this case, which would be the minimum criteria for the Court to give the exhibit any weight. Without a statement comparing what was being billed in the market rate exhibit to the services actually provided in this case, the values in the exhibit are worthless.

It is noteworthy that Petitioner does not dispute the Court's findings as to what the fee schedule values for its services would have been, and there was no evidence presented to suggest that the fee schedule is unreasonable. Petitioner instead argues only that the Court was not bound by the fee schedule, and should not have weighed the evidence as it did. The Court found that the charges for copy services ranging \$164.90 to \$225.00 per date of service were presumed reasonable. Petitioner's exhibit suggested that it had often received amounts of \$300 or more for its old invoices, which may or may not have been billed for similar services. However, Petitioner failed to persuade the Court that this was an accurate representation of the market rate for similar services, or that such a rate was reasonable.

2. COSTS AND SANCTIONS FOR BAD FAITH

Pursuant to Labor Code §5813 "The workers' compensation referee or appeals board may order a party, the party's attorney, or both, to pay any reasonable expenses, including attorney's fees and costs, incurred by another party as a result of bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay. In addition, a workers' compensation referee or the appeals board, in its sole discretion, may order additional sanctions not to exceed two thousand five hundred dollars (\$2,500.00) to be transmitted to the General Fund."

WCAB Rule 10421(b) states in relevant part that:

Bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay include actions or tactics that result from a willful failure to comply with a statutory or regulatory obligation, that result from a willful intent to disrupt or delay the proceedings of the Workers' Compensation Appeals Board, or that are done for an improper motive or are indisputably without merit.

WCAB Rule 10421(b) further provides a comprehensive but non-exclusive list of actions that could be subject to sanctions. As applicable here, subdivision (b) states that a party may be subject to sanctions where the party has engaged in the following actions:

- (2) Filing a pleading, petition or legal document unless there is some

reasonable justification for filing the document.

(4) Failing to comply with the Workers' Compensation Appeals Board's Rules of Practice and Procedure ...

(6) Bringing a claim, conducting a defense or asserting a position:

(A) That is:

(i) Indisputably without merit;

(7) Presenting a claim or a defense, or raising an issue or argument, that is not warranted under existing law ...

(8) Asserting a position that misstates or substantially misstates the law ...

(Cal. Code Regs., tit. 8, § 10421(b).)

Petitioner in this matter is requesting "an award of costs and sanctions." The Court notes initially that sanctions are paid to the WCAB for transmission to the General Fund, not awarded to a party, so that part of Petitioner's request is patently erroneous.

More importantly, the operative language is that the Board "may" order costs. This language is discretionary, and the Court here has exercised discretion in declining to award costs. The Court did impose a penalty and award interest, which the Court deemed sufficient to remedy the delay and deficiency in payment to Petitioner for its services.

III

RECOMMENDATION

It is recommended that the Petition for Reconsideration be denied.

Respectfully submitted,

Date: 06/11/2026

KEITH N. PUSAVAT

Workers' Compensation Judge