

WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

DAVID TAPIA, *Applicant*

vs.

**ADP TOTALSOURCE GROUP INC. / LLOYDS MANUFACTURING SERVICES; AIU
INSURANCE COMPANY, administered by HELMSMAN MANAGEMENT SERVICES,
*Defendants***

**Adjudication Number: ADJ19771730
Long Beach District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Defendant has filed a petition for removal from a Notice of Intent to Impose Sanctions, which issued on November 17, 2025, by the workers' compensation administrative law judge (WCJ).

Defendant contends that an order of sanctions should not issue.

We have not received an answer from applicant. 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 and the contents of the WCJ's Report. Based on our review of the record we will dismiss the Petition for Removal as no order has issued in this case.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 600, fn. 5 [71 Cal.Comp.Cases 155, 157, fn. 5]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 281, fn. 2 [70 Cal.Comp.Cases 133, 136, fn. 2].) 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*.) A petitioner must also 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 a notice of intent has issued. The purpose of a notice of intent is to permit an interested party notice and an opportunity to be heard *before* action is taken by the court. The WCJ has issued no order and taken no action in this matter except to notify the parties of the WCJ's intent to act, absent objection. Defendant's petition is dismissed as this matter is not ripe for adjudication.

Upon return to the trial level, the WCJ may accept the petition for removal as defendant's objection to the notice of intent.

Accordingly, we dismiss the Petition for Removal.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal from the Notice of Intent to Impose Sanctions, issued on November 17, 2025, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 11, 2026

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

**DAVID TAPIA
PERONA, LANGER, BECK & HARRISON
ALBERT AND MACKENZIE, LLP**

EDL/mt

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