WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

DEBORAH ELIZABETH GOUCH-ONASSIS, *Applicant*

vs.

BJ'S RESTAURANT; EVEREST PREMIER INSUR. CO., administered by GALLAGHER BASSETT, *Defendants*

Adjudication Numbers: ADJ18095793; ADJ18095794; ADJ18095795; ADJ18095796; ADJ18120474; ADJ18120475; ADJ18120476; ADJ18201916; ADJ18201932; ADJ18201962; ADJ19812111; ADJ19812112; ADJ19812113; ADJ19812115; ADJ19812116; ADJ19812117; ADJ19812118; ADJ19812119

Marina del Rey District Office

OPINION AND ORDER
DISMISSING PETITIONS
FOR RECONSIDERATION

Applicant, in pro per, essentially seeks to set-aside Orders Approving Compromise and Release (OACRs) issued by the workers' compensation administrative law judge (WCJs) on September 11, 2024, in various cases.

In her Petition for Reconsideration filed in case numbers ADJ18095794, ADJ18095795, ADJ19812111, ADJ19812112, and ADJ19812113, applicant contends that she has no knowledge of case numbers ADJ19812111, ADJ19812112, or ADJ19812113.

In her Petition for Reconsideration filed in case numbers ADJ18095793, ADJ18095796, ADJ18120474, ADJ18120475, ADJ18120476, ADJ18201932, ADJ18201962, ADJ19812113, ADJ19812115, ADJ19812116, ADJ19812117, ADJ19812118, ADJ19812119, applicant contends that ADJ18120474 and ADJ18120475 were denied claims, not included in the settlement. Applicant also contends that she has no knowledge of the following case numbers: ADJ19182113, ADJ19182115, ADJ19182116, ADJ19182117, ADJ19182118, ADJ19182119.

We received an Answer from defendant.

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

Applicant filed a "Reply" to defendant's Answer after the WCJ issued the Report. Although applicant did not seek permission to file supplemental pleadings as required by WCAB Rule 10964, we accept and consider it (Cal. Code Regs., tit. 8, § 10964.) However, applicant attached documents to the Reply, in violation of WCAB Rule 10945. (Cal. Code Regs., tit. 8, § 10945(c)(2).) We caution applicant that any documents attached to applicant's pleadings are not admitted into evidence, and we have not considered them. (Cal. Code Regs., tit. 8, § 10945(c)(1)-(2).)

On or about September 16, 2026, applicant filed an additional Petition for Reconsideration in several case numbers.

We have considered the allegations in the Petitions, the Answer, and the contents of the Reports with respect thereto.

Based on our review of the record and for the reasons discussed below, we will dismiss the Petitions as premature and return this matter to the trial level for consideration of the Petitions as ones to set aside the OACRs.

BACKGROUND

Numerous cases have been filed on applicant's behalf. It is not entirely clear whether this is a complete list of case numbers, but these have appeared in various pleadings:

- ADJ18095793
- ADJ18095794
- ADJ18095795
- ADJ18095796
- ADJ18120474
- ADJ18120475
- ADJ18120476
- ADJ18201916
- ADJ18201932
- ADJ18201962
- ADJ19812111
- ADJ19812112
- ADJ19812113
- ADJ19812115
- ADJ19812116
- ADJ19812117
- ADJ19812118
- ADJ19812119

It appears that some cases have been dismissed, some settled by compromise and release, and some cases have been dismissed and then subsequently settled. It is unclear whether applicant has any active cases. What follows is based on a high-level review of several of the adjudication files at issue. It is not intended to be a complete list of events in each case:

On October 24, 2023, applicant filed a substitution of attorneys in case numbers ADJ18095793, ADJ18095794, ADJ18095795, ADJ18095796, ADJ18120474, ADJ18120475, and ADJ18120476, appointing Abramson Labor Group as her attorneys.

On November 24, 2023, Abramson Labor Group filed a petition to be relieved as counsel. The case numbers listed in the caption are ADJ18201962, ADJ18201932, and ADJ18201916.

On December 20, 2023, WCJ Kelly issued a joint order dismissing case numbers ADJ18201962, ADJ18201932, and ADJ18201916.

On July 8, 2024, the parties appeared for a status conference before WCJ Ozeda in case numbers ADJ18095794, ADJ18095795, and ADJ18120476. According to the minutes, the matter was ordered taken off calendar because settlement was pending. (July 10, 2024, minutes, p. 1.)

On September 11, 2024, a joint C&R was submitted on the walkthrough calendar, without applicant present, in case numbers ADJ18095793, ADJ18095796, ADJ18120474, ADJ18120475, ADJ18120476, ADJ18201932, ADJ18201962, ADJ19812113, ADJ19812115, ADJ19812116, ADJ19812117, ADJ19812118, ADJ19812119. Defendant was represented by MacDonald Ebbing & Lloyd.

On September 11, 2024, a separate joint C&R was submitted on the walkthrough calendar, without applicant present, in case numbers ADJ18095794, ADJ18095795, ADJ18201916, ADJ19812111, ADJ19812112, ADJ19812113. Defendant was represented by MacDonald Ebbing & Lloyd.

On September 16, 2024, WCJ Vellanoweth issued a joint OACR issued in case numbers ADJ18095793, ADJ18095796, ADJ18120474, ADJ18120475, ADJ18120476, ADJ18201932, ADJ18201962, ADJ19812113, ADJ19812115, ADJ19812116, ADJ19812117, ADJ19812118, ADJ19812119. (Hereafter called "joint OACR 1" filed September 16, 20204.)

On September 16, 2024, WCJ Vellanoweth issued a joint OACR issued in case numbers ADJ18095794, ADJ18095795, ADJ18201916, ADJ19812111, ADJ19812112, ADJ19812113. (Hereafter called "joint OACR 2" filed September 16, 20204.)

On July 23, 2026, applicant filed a dismissal of attorney of E&L Law Firm, LLP, noting a name change from Lavi & Ebrahimian LLP, and electing to represent herself in pro per. A Notice of Dismissal of Attorney was filed August 7, 2026, in multiple case numbers. It is unclear when, or in which cases, E&L Law Firm undertook representation.

DISCUSSION

I.

Petitions for reconsideration filed on or after July 14, 2026 are subject to Labor Code section[1] 5909, which states 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 August 11, 2026, and 60 days from the date of transmission is Saturday, October 10, 2026. The next business day that is 60 days from the date of transmission is Monday, October 12, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[2] This decision is issued by or on Monday, October 12, 2026, so that we have timely acted on the Petition as required by section 5909(a).

---

[1] All statutory references are to the Labor Code unless otherwise stated.

[2] 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.

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 shall be notice of transmission.

Here, according to the proof of service for the Report, the Report was served on August 11, 2026, and the case was transmitted to the Appeals Board on August 11, 2026. Service of the Reports 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 August 11, 2026.

II.

Subject to the limitations of section 5804, "[t]he appeals board has continuing jurisdiction over all its orders, decisions, and awards made and entered under the provisions of [Division 4] ... At any time, upon notice and after the opportunity to be heard is given to the parties in interest, the appeals board may rescind, alter, or amend any order. decision, or award, good cause appearing therefor." (Lab. Code, § 5803.)

The legal principles governing compromise and release agreements are the same as those governing other contracts. (*Burbank Studios v. Workers' Co. Appeals Bd*. (*Yount*) (1982) 134 Cal.App.3d 929, 935.) For a compromise and release agreement to be effective, the necessary elements of a contract must exist, which includes the mutual consent of the parties. (Civ. Code, §§ 1550, 1565, 1580; *Yount, supra*.) Put another way, there can be no contract unless there is a meeting of the minds and the parties mutually agree upon the same thing. (Civ. Code, §§ 1550, 1565, 1580; *Sackett v. Starr* (1949) 95 Cal.App.2d 128; *Sieck v. Hall* (1934) 139 Cal.App. 279, 291; *American Can Co. v. Agricultural Ins. Co*. (1909) 12 Cal.App. 133, 137.)

Since a compromise and release is a written contract, the parties' intention should be ascertained, if possible, from the writing alone, and the clear language of the contract governs its interpretation if an absurdity is not involved. (Civ. Code, §§ 1638, 1639; *TRB Investments, Inc. v. Fireman's Fund Ins. Co*. (2006) 40 Cal.4th 19, 27 (*TRB Investments*).) A contract must be so interpreted as to give effect to the mutual intention of the parties as it existed at the time of

contracting, so far as the same is ascertainable and lawful. (Civ. Code, § 1636; *TRB Investments, supra,* 40 Cal.4th at p. 27; *County of San Joaquin v. Workers' Compensation Appeals Bd. (Sepulveda)* (2004) 117 Cal.App.4th 1180, 1184 [69 Cal.Comp.Cases 193].)

"Stipulations are designed to expedite trials and hearings and their use in workers' compensation cases should be encouraged." (*County of Sacramento v. Workers' Comp. Appeals Bd. (Weatherall)* (2000) 77 Cal.App.4th 1114, 1120 [65 Cal.Comp.Cases 1], quoting *Robinson v. Workers' Comp. Appeals Bd*. (1987) 194 Cal.App.3d 784, 791 [52 Cal.Comp.Cases 419].) A stipulation is "'An agreement between opposing counsel … ordinarily entered into for the purpose of avoiding delay, trouble, or expense in the conduct of the action,' (Ballentine, Law Dict. (1930) p. 1235, col. 2) and serves 'to obviate need for proof or to narrow range of litigable issues' (Black's Law Dict. (6th ed. 1990) p. 1415, col. 1) in a legal proceeding." (*Weatherall, supra*, 77 Cal.App.4th at p. 1118.) Stipulations are binding on the parties unless, on a showing of good cause, the parties are given permission to withdraw from their agreements. (*Weatherall, supra*, 77 Cal.App.4th at p. 1121.)

"Good cause" to set aside an order or stipulations depends upon the facts and circumstances of each case. "Good cause" includes mutual mistake of fact, duress, fraud, undue influence, and **procedural irregularities**. (*Johnson v. Workmen's Comp. Appeals Bd*. (1970) 2 Cal.3d 964, 975 [35 Cal.Comp.Cases 362]; *Smith v. Workers' Comp. Appeals Bd.* (1985) 168 Cal.App.3d 1160, 1170 [50 Cal.Comp.Cases 311], emphasis added.) To determine whether there is good cause to rescind awards and stipulations, the circumstances surrounding their execution and approval must be assessed. (See Labor Code § 5702; *Weatherall, supra*, 77 Cal.App.4th at pp. 1118-1121; *Robinson, supra*, 194 Cal.App.3d at pp. 790-792; *Huston v. Workers' Comp. Appeals Bd.* (1979) 95 Cal.App.3d 856, 864-867 [44 Cal.Comp.Cases 798].)

While the parties may stipulate to the facts in controversy, the WCJ is not bound by the parties' stipulations and may make further inquiry into the matter "to enable it to determine the matter in controversy." (Lab. Code, § 5702; see also *Weatherall, supra*, 77 Cal.App.4th at p. 1119; *Turner Gas Co. v. Workers' Comp. Appeals Bd. (Kinney)* (1975) 47 Cal.App.3d 286 [40 Cal.Comp.Cases 253].)

Moreover, "[t]he Workers' Compensation Appeals Board shall inquire into the adequacy of all Compromise and Release agreements and Stipulations with Request for Award and may set

the matter for hearing to take evidence when necessary to determine whether the agreement should be approved or disapproved, or issue findings and awards." (Cal. Code Regs., tit. 8, § 10700(b).)

Because the C&Rs were approved at a walkthrough conference, the WCJ did not have the opportunity to assess applicant's understanding of the proposed settlement agreements. Given the evident confusion that has arisen here, with multiple attorneys and WCJs, and many case numbers, some of which may be duplicate cases, it would not be surprising if applicant did not understand what cases had been filed on her behalf and/or what cases were being settled, which calls into question whether a contract was formed. Moreover, both joint OACRs settled cases that had previously been dismissed (ADJ18201962, ADJ18201932, and ADJ18201916), which calls into question the validity of both OACRs.

We note that applicant contends that she has no knowledge of the following case numbers: ADJ19182113, ADJ19182115, ADJ19182116, ADJ19182117, ADJ19182118, ADJ19182119. It appears that "1981" in case numbers ADJ19812113, ADJ19812115, ADJ19812116, ADJ19812117, ADJ19812118, and ADJ19812119 was transposed to "1918" and that applicant is correct. However, it is unclear where this confusion originated.

The Appeals Board's record of proceedings is maintained in the adjudication file and includes: the pleadings, minutes of hearing, summary of evidence, transcripts, if prepared and filed, proofs of service, evidence received in the course of a hearing, exhibits identified but not received in evidence, notices, petitions, briefs, findings, orders, decisions, and awards, and the arbitrator's file, if any. "Documents that are in the adjudication file but have not been received or offered in evidence are not part of the record of proceedings" (Cal. Code Regs., tit. 8, § 10803) and "[t]he filing of a document does not signify its receipt in evidence...." (Cal. Code Regs., tit. 8, § 10670.) As noted previously, documents attached to the Petitions for Reconsideration are not in the record of proceedings and were not admitted into evidence. Thus, we have not considered them.

Here, the joint compromise and releases, joint OACRs, and various other pleadings contain overlapping case numbers, some of which contain typographical errors. Additionally, previously dismissed cases are included in the C&Rs and resulting OACRs, which should render the OACRs void. As a result, the settlement documents and OACRs are confusing and possibly erroneous.

Accordingly, we will dismiss the Petitions as premature, and return this matter to the trial level. Upon return of this matter to the trial level, we recommend that the Presiding WCJ assign

all of the cases to a single WCJ, as required by section 5700. Then, the WCJ can determine how many cases exist, how many are active, and consider consolidation. A hearing should be set on all cases, and the Petitions should be treated as petitions to set aside. At that time, applicant will have the opportunity to provide evidence in support of the arguments contained in the Petitions and create a record upon which a decision can be made by the WCJ. After the WCJ issues a decision, any person may then timely seek reconsideration of that decision.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration filed on July 23, 2026 is **DISMISSED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration filed on July 23, 2026 is **DISMISSED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration filed on September 16, 2026 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

JOSÉ H. RAZO, COMMISSIONER
CONCURRING NOT SIGNING

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 12, 2026

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

DEBORAH ELIZABETH GOUCH-ONASSIS
ABRAMSON LABOR GROUP
E&L LAW FIRM, LLP
MACDONALD EBBING & LLOYD

JB/*pm*

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