

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

GEORGINA PALACIOS, *Applicant*

vs.

**BARRETT BUSINESS SERVICES, INC., PSI,
administered by CORVEL;
MARKET BROILER CAL. RESTAURANT MUTUAL BENEFITS CORP.,
administered by LWP CLAIMS, *Defendants***

**Adjudication Numbers: ADJ8881779, ADJ8870172
Los Angeles District Office**

**OPINION AND ORDERS
GRANTING PETITION FOR
RECONSIDERATION
AND PETITION FOR
DISQUALIFICATION
AND DECISION AFTER
RECONSIDERATION AND
DISQUALIFICATION**

Cost petitioner Supreme Copy Service, Inc. (Supreme Copy) seeks reconsideration of the “Joint Order Dismissing Cost Petition Claim for Failure to Appear at Trial (8 Cal. Code Regs., tit. 8, § 10756(B) [*sic*]; Showing of Good Cause for Order” (Joint Order) issued on December 9, 2025 by a workers’ compensation administrative law judge (WCJ). The WCJ found that Supreme Copy failed to make a proper appearance at trial on August 25, 2025 and October 2, 2025 in these matters without good cause because non-attorney representative Matthew Martin did not produce proof of authorization by a duly listed officer of Supreme Copy to appear on the corporation’s behalf. The WCJ determined there was good cause to dismiss Supreme Copy as a party in the these matters pursuant to two allegedly analogous panel decisions (see *Francisco Lopez v. Edward Thomas Cos.*, 2015 Cal.Wrk.Comp. P.D. LEXIS 357 (*Lopez*) and *Martinez v. Mainstay Bus. Solutions*, 2014 Cal.Wrk.Comp. P.D. LEXIS 355 (*Martinez*)).¹ The WCJ ordered that based on this good cause,

¹ Unlike en banc decisions, panel decisions are not binding precedent on other Appeals Board panels and WCJs. (See *Gee v. Workers’ Comp. Appeals Bd.* (2002) 96 Cal.App.4th 1418, 1425 fn. 6 [67 Cal.Comp.Cases 236].) However, panel decisions are citable authority, and we may consider these decisions to the extent that we find their reasoning persuasive, particularly on issues of contemporaneous administrative construction of statutory language. (See *Guitron*

all claims brought by Supreme Copy in these matters pursuant to WCAB Rule 10786 (Cal. Code Regs., tit. 8, § 10786) for cost reimbursement and/or penalties, sanctions or other related claims be dismissed.

Supreme Copy contends that prior to the August 25, 2025 trial in these matters, it filed a Notice of Representation (NOR) for its non-attorney representative Matthew Martin as required and fully compliant with WCAB Rule 10401, subdivision (c)(2) (Cal. Code Regs., tit. 8, § 10401, subd. (c)(2)); that the additional requirements imposed by the WCJ are not required under existing law (see Cal. Code Regs., tit. 8, § 10421, subd. (b)(7); that the WCJ raised the question of representation *sua sponte* as no defendant questioned the validity of the NOR or the representative's authority to appear on behalf of Supreme Copy, and therefore no controversy was presented for the WCJ's determination on the question of representation. In addition, Supreme Copy argues that its NOR format was previously found to comply with WCAB Rule 10401, subdivision (c)(2), in *Gerardo Mederos v. AG Force, LLC*, 2025 Cal.Wrk.Comp. P.D. LEXIS 279 (*Mederos*), which it cited in its timely "Objection to Notice of Intention to Dismiss 8 CCR § 10786 Petition For Medical-Legal Reimbursement Due to Lack of Proper Representation" (NOI Objection), but which the WCJ failed to address or counter with any statutory or regulatory authority supporting the demand for additional documentation.

No answer was filed by any defendant in these matters. The WCJ filed a Joint Report and Recommendation on Petition for Reconsideration (Report), recommending denial of the petition.

We have reviewed the record in these matters, the allegations of the Petition for Reconsideration and the contents of the Report. For the reasons set forth below, we will grant the Petition for Reconsideration, and as our decision after reconsideration, we will vacate the Joint Order. We will also grant the Petition as one for disqualification and order that the WCJ is disqualified and return this matter to the presiding WCJ of the Los Angeles District Office for reassignment to another WCJ.

I.

Former Labor Code 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.

v. Santa Fe Extruders (2011) 76 Cal.Comp.Cases 228, fn. 7 (Appeals Board en banc); *Griffith v. Workers' Comp. Appeals Bd.* (1989) 209 Cal.App.3d 1260, 1264, fn. 2, [54 Cal.Comp.Cases 145].)

Code, § 5909.) Effective July 2, 2024, Labor Code 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 Labor Code 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 January 12, 2016, and 60 days from the date of transmission is March 13, 2026. This decision is issued by or on March 13, 2026, so that we have timely acted on the petition as required by Labor Code section 5909(a).

Labor Code 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. Labor Code 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 January 12, 2026, and the case was transmitted to the Appeals Board on January 12, 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 Labor Code section 5909(b)(1) because

service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on January 12, 2026.

II.

The Joint Order, which dismissed Supreme Copy's entire right to make a claim in these matters, was ostensibly issued because Supreme Copy failed to "properly" appear at two separate trial dates on its own Petition for Determination of Medical-Legal Expense Dispute per 8 CCR 10786(b) (Petition for Costs). (Joint Order, p. 1; see minute orders, August 28, 2025 and October 2, 2025; see also Pre-Trial Conference Statement (PTCS), July 28, 2025, pp. 3, 6.) However, we have reviewed the record in these matters and cannot find any evidentiary or legal support for the Joint Order issued by the WCJ.

As an initial matter, we note that the WCJ failed to prepare a proper record in these matters pursuant to section 5313 which requires that after a matter is submitted, and together with findings of fact, orders, and/or awards, a WCJ "shall" serve "a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made." (Lab. Code, § 5313.) The opinion on decision must be based on admitted evidence (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc) (*Hamilton*)), 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]; *Le Vesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16]). The WCJ's opinion on decision enables the parties to determine the basis for the WCJ's decision and makes seeking reconsideration or removal more meaningful. (*Hamilton, supra*, 66 Cal.Comp.Cases at p. 476.)

Although the WCJ issued an opinion on decision with the Joint Order, the WCJ failed to introduce any evidence into the record or to prepare a minutes of hearing and summary of evidence identifying stipulations or issues *raised by the parties for adjudication*. (See *Hamilton, supra*, 66 Cal.Comp.Cases at p. 476 citing Cal. Code Regs., tit. 8, § 10566.) Instead, the WCJ prepared a minute order for August 28, 2025 wherein the WCJ raised his own issue for adjudication in the "Other/Comments." (Minute Order, August 28, 2025.) The only issues identified by the parties for trial at the mandatory settlement conference related to Supreme Copy's Petition for Determination of Medical-Legal Expense Dispute per 8 CCR 10786(b) (Petition for Costs). (Pre-Trial Conference

Statement, July 28, 2025, pp. 3, 6.) Although a WCJ's report may cure any technical or alleged defect in satisfying the requirements of section 5313, the Report in this matter did not do so. (*City of San Diego v. Workers' Comp. Appeals Bd. (Rutherford)* (1989) 54 Cal.Comp.Cases 57 (writ den.); *Smales v. Workers' Comp. Appeals Bd.* (1980) 45 Cal.Comp.Cases 1026 (writ den.).)

However, the record is sufficient to conclude that contrary to the WCJ's unfortunate and apparently erroneous conclusions, Supreme Copy did *not* fail to properly appear at either the August 28, 2025 or the October 2, 2025 trial date in these matters. (Minute orders, August 28, 2025 and October 2, 2025.) First, Supreme Copy made literal, physical appearances at both trial dates, which is evidenced by the minute orders issued for both trial dates which state that Matthew Martin was present and making an appearance for Supreme Copy. (Minute orders, August 28, 2025 and October 2, 2025.) Next, Mr. Martin appeared as a non-legal representative pursuant to a Notice of Change of Representation (NOR) filed on August 27, 2025, which we conclude complies with WCAB Rule 10401. (Notice of Change of Representation, August 27, 2025; see *Mederos, supra*, at *10-12.)

Here, the NOR was filed pursuant to WCAB Rule 10401, subdivision (c)(2), and was timely filed *before* the August 28, 2025 trial appearance of Mr. Martin. (Cal. Code Regs., tit. 8, § 10401, subd. (c) ["A non-attorney representative shall file and serve a notice of representation before filing a document or appearing on behalf of a party. ..."].) The NOR also contained all the information required by WCAB Rule 10401, i.e., "the name of the represented party and the non-attorney representative's name, mailing address, email address and telephone number." (*Id.* at subd. (c)(2).)

The address, telephone number, and email address for Matthew Martin, who is appearing on behalf of Supreme Copy Service, Inc. in the above-captioned matter is as follows:

Matthew Martin
3440 Wilshire Blvd. Ste 1212
Los Angeles CA 90010
(213) 370-0293
mmartin@platinum-copy.com

(DOR, p. 2.)

We concur with Supreme Copy that the conclusions of the *Mederos* panel decision, which also involved a notice of representation filed by Supreme Copy, are persuasive here:

Here, the Notice of Change of Representation filed by cost petitioner on March 5, 2025 identifies Shayne McDaniel, an individual, as the designated representative for cost petitioner. **Pursuant to WCAB Rule 10401(c)(2), the notice provides the name of the represented party and the non-attorney representative’s name, mailing address, email address and telephone number.** (Notice of Change of Representation, dated March 5, 2025, at p. 2:12.) **We therefore conclude that the Notice of Change of Representation complies with Rule 10401.**

The WCJ’s Report states that rule 10401(c)(2) “only applies if the non-attorney hearing representative is employed by [cost petitioner] Supreme.” (Report, at p. 6.) However, the legal authority underlying this assertion is not clear, as the WCJ cites to no relevant statute or regulation underlying the stated employment requirement, nor do we discern any such requirement in the text of the rule. However, even were (c)(1) applicable, we would find that the Notice of Change of Representation filed on March 5, 2025 substantially complies with Rule 10401(c)(1) by providing the name of the represented party, the legal name and service address of the representative, an email address and telephone number of the representative, and further listing the parties to the agreement including the lien representative and the individual entering into the agreement on behalf of the represented party. (Notice of Change of Representation, dated March 5, 2025, at p. 2:12.) **Under either analysis, cost petitioner has met the notice requirements set forth under WCAB Rule 10401.**

(*Mederos, supra*, at *10-11.)²

In the face of a timely and compliant DOR, the WCJ *still* refused to accept the appearance of Mr. Martin as “proper” until he provided “written confirmation” *from an officer of the corporation* that he was “authorized to act” on behalf Supreme Copy. (Report, p. 4.) The WCJ provides no statutory, regulatory, or decisional precedent to support this arbitrary requirement, except to state that he believed it to be a “routine request that might have easily been resolved via an emailed authorization sent the same morning as trial.” (*Ibid.*) The WCJ imposed this arbitrary requirement because of concerns the WCJ stated were raised by a declaration filed by Supreme Copy *in support of their Costs Petition*, the merits of which the parties have yet to litigate. (*Ibid.*) Without examining the actual NOR on file, and without any basis that we can find related to *these cases*, the WCJ pursued his own line of discovery and investigation into the corporate structure of Supreme Copy. (*Ibid.*)

² See Cal. Code Regs., tit. 8, § 10751 which states: “A non-attorney representative may appear on a party’s behalf if identified on a notice of representation.”

After concluding on his own that there might be some corporate irregularities in the Secretary of State filings, the WCJ decided to make Supreme Copy's right to seek reimbursement in this case totally dependent on its fulfillment of a requirement that simply does not exist in the Labor Code or under the WCAB Rules, i.e., that a corporate officer of Supreme Copy provide some sort of written authorization for Mr. Martin to appear in these matters. Moreover, the WCJ ignores *Mederos* which is directly on point, and instead cites to two panel decisions from 2014 and 2015, *before* the WCAB Rules were amended effective January 1, 2020 and therefore not persuasive regarding the current WCAB Rules.³

While the WCJ is correct that he has the right to control his courtroom, the WCJ does not have the right to exercise that control in an arbitrary manner that infringes on the due process rights of parties. All parties to a workers' compensation proceeding retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) A fair hearing includes but is not limited to the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (*Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker, supra*, at 157-158 citing *Kaiser Co. v. Industrial Acci. Com. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].)

The WCJ's citation to Labor Code section 133 is also to no avail as there is no power or jurisdiction conferred under the Labor Code granting a WCJ the authority to vitiate the statutory rights of Supreme Copy – or any medical legal provider – to reimbursement and/or the standing to seek reimbursement based on an arbitrary requirement *not required or supported by law*. In other words, no WCJ has the power and jurisdiction to legislate or to regulate to suit their own perception of any given medical legal provider. Moreover, the WCJ is essentially making the argument that Supreme Copy does not have standing to appear for trial based solely on an arbitrary requirement that Mr. Martin produce something not required under the law. We concur with the conclusion of

³ In addition, the two panel decisions cited by the WCJ are distinguishable on their facts and are therefore not otherwise persuasive. In *Martinez*, lien claimants failed to file fully executed notices of representation prior to the time of the hearing. (*Martinez, supra*, at *4.) In *Lopez*, another case involving lien claimants, the notices of representation involved failed to comply in various ways with the WCAB Rules applicable to *lien claimants* in effect *at that time*, which included a declaration of consent to representation. (*Lopez, supra*, at *4-5; see current Cal. Code Regs., tit. 8, § 10401 [no declaration requirement required for cost petitioners].)

the panel in *Mederos* that the WCJ does not have the authority to abrogate the standing of Supreme Copy based on the facts in these matters, and that Supreme Copy may choose “any other agent”⁴ to make appearances on its behalf:

We also wish to address the assertion contained in the Order that “due to the defective [notice of representation, cost petitioner’s representative] had no standing to appear for trial.” (Order, dated April 30, 2025, para. 4.) Section 5700 provides in pertinent part that parties “may be present at any hearing, in person, by attorney, or by any other agent, and may present testimony pertinent under the pleadings.” (Lab. Code, § 5700, italics added.) Thus, parties are permitted to appear in person, by attorney, or through “any other agent” in hearings before the Appeals Board. The standing of the parties is not otherwise abrogated under our rules or applicable statute except in the case of a loss of right to appear under section 4907, a determination of which can only be made after notice and the opportunity to be heard, and which, in any event, is not at issue in the present matter.

(*Mederos, supra*, at *11-12.)

Therefore, and based on our review, the actions of the WCJ in these matters appear to be arbitrary and to infringe on Supreme Copy’s right to due process. We are therefore compelled to grant reconsideration and as our decision after reconsideration, to annul and rescind the Joint Order as it was issued without legal basis and therefore, issued void *ab initio*.

Finally, as stated above, we also treat Supreme Copy’s petition as one for disqualification as well as one for reconsideration. Section 5311 provides that a party may seek to disqualify a WCJ upon any one or more of the grounds specified in Code of Civil Procedure section 641. (Lab. Code, § 5311; see also Code Civ. Proc., § 641.) WCAB Rule 10960 provides in relevant part that:

Proceedings to disqualify a workers’ compensation judge under Labor Code section 5311 shall be initiated by the filing of a petition for disqualification supported by an affidavit or declaration under penalty of perjury stating in detail facts establishing one or more of the grounds for disqualification specified in section 641 of the Code of Civil Procedure. . . .

A petition for disqualification shall be referred to and determined by a panel of three commissioners of the Appeals Board in the same manner as a petition for reconsideration.

⁴ Agent is defined in the Civil Code as “one who represents another, called the principal, in dealings with third persons.” (Civ. Code, § 2295.) “Any person having capacity to contract may appoint an agent, and any person may be an agent.” (Civ. Code, § 2296.) We find no requirement that an agent of a corporation *only* be appointed by an officer of that corporation, and certainly the WCJ does not provide any legal support for such a proposition.

(Cal. Code Regs., tit. 8, § 10960.)

Among the grounds for disqualification under section 641 are that the WCJ has “formed or expressed an unqualified opinion or belief as to the merits of the action” or demonstrated “[t]he existence of a state of mind . . . evincing enmity against or bias toward either party.” (Code Civ. Proc., § 641(f) and (g)). “Due Process is violated where there is even an appearance of bias or unfairness in administrative hearings. (citations)” (*Robbins v. Sharp Healthcare, et al.* (2006) 71 Cal.Comp.Cases 1291, 1302 [2006 Cal.Wrk.Comp. LEXIS 314].) The appearance of bias on the part of the WCJ may be sufficient alone to require disqualification. An objective test is used to assess whether an appearance of bias exists, i.e., whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with impartiality (*Robbins, supra*, 71 Cal.Comp.Cases at p. 1307). Further, bias against a party’s attorney may be a ground for disqualification. (*Id.* at p. 1306).

We conclude that the actions of WCJ Daniel A. Dobrin toward Mr. Martin and Supreme Copy could raise doubts as to whether WCJ Dobrin has formed an opinion regarding the merits of these matters based on his choice to go beyond the record and conduct a separate investigation, as well as raise doubts regarding the *appearance* of unfairness or bias in a reasonable person with knowledge of the facts of this case. Further, given that the unilateral actions of the WCJ as described herein actually resulted in a deprivation of Supreme Copy’s right to due process, we conclude that the parties would be better served by an assignment to another WCJ.

Accordingly, we grant the Petition for Reconsideration and as our decision after reconsideration, we annul and rescind the Joint Order as void *ab initio*. We grant the Petition for Disqualification, issue an order that the WCJ is disqualified, and return the matter to the presiding WCJ for assignment to a different WCJ.

For the foregoing reasons,

IT IS ORDERED that cost petitioner Supreme Copy Service, Inc.’s Petition for Reconsideration of the “Joint Order Dismissing Cost Petition Claim for Failure to Appear at Trial (8 Cal. Code Regs., tit. 8, § 10756(B) [*sic*]; Showing of Good Cause for Order” issued on December 9, 2025 by the workers’ compensation administrative law judge is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers’ Compensation Appeals Board that the “Joint Order Dismissing Cost Petition Claim for Failure to Appear at Trial (8 Cal. Code Regs., tit. 8, § 10756(B) [*sic*]; Showing of Good Cause for Order” issued on December 9, 2025 by the workers’ compensation administrative law judge is **ANNULLED** and **RESCINDED** as it was issued void *ab initio*, and this matter is **RETURNED** to the trial level for further proceedings consistent with this decision and due process.

IT IS FURTHER ORDERED that cost petitioner Supreme Copy Service, Inc.’s Petition for Disqualification of workers’ compensation administrative law judge Daniel A. Dobrin is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Disqualification of the Workers' Compensation Appeals Board that WCJ Daniel A. Dobrin is **DISQUALIFIED** and the matter is **RETURNED** to the presiding workers' compensation administrative law judge of the Los Angeles District Office to **REASSIGN** this matter to a workers' compensation administrative law judge other than WCJ Daniel A. Dobrin.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

February 27, 2026

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

**GEORGINA PALACIOS
CORVEL
WORK COMP RESOLUTIONS
SUPREME COPY SERVICE, INC.
THE NIELSEN FIRM**

AJF/oo

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