

WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

JORGE VEGA, *Applicant*

vs.

**AIR COMMUNITIES APARTMENT INCOME REIT CORP;
ACE AMERICAN INSURANCE COMPANY, administered by ESIS, *Defendants***

**Adjudication Numbers: ADJ18972196; ADJ18972185
Van Nuys District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
REMOVAL**

Defendant has filed a petition for removal from the order setting the matter for trial issued on June 24, 2025, by the workers' compensation administrative law judge (WCJ). Defendant alleges that discovery is not complete.

Thereafter, on September 18, 2025, the parties proceeded to trial and over applicant's objection, the trial judge took the matter off calendar to permit the additional discovery requested by defendant.¹

Accordingly, we will dismiss the petition for removal as the issue raised is now moot.

We would note that this scenario is precisely why, absent extraordinary circumstances, it is improvident to file petitions for removal from orders setting a matter for trial. If a matter is not ready to proceed to trial, the party should present such request to the assigned trial judge and if the request is denied, they may create a record from which the Appeals Board can decide whether further discovery is warranted. (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).)

¹ Although the WCJ's Report was filed on July 22, 2025, the case was not transmitted to the Appeals Board until November 19, 2025.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Removal from the order setting the matter for trial issued on June 24, 2025, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 23, 2026

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

**JORGE VEGA
THOMAS MARTIN
WAI CONNOR**

EDL/mt

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