

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

JULIO PAIZ, *Applicant*

vs.

**SAN RAMON MARRIOTT HOTEL/MARRIOTT INTERNATIONAL,
permissibly self-insured, administered by MARRIOTT HOT SPRINGS, *Defendants***

**Adjudication Number: ADJ2891866 (SFO 0502133)
San Francisco District Office**

**OPINION AND ORDER
DENYING PETITION FOR
RECONSIDERATION**

Applicant in pro per seeks reconsideration of the Opinion and Order Finding and Declaring Applicant to be Vexatious Litigant issued on April 10, 2026 by a presiding workers' compensation judge (PWCJ) wherein it was determined that applicant was a vexatious litigant and an order requiring pre-filing review of all petitions issued. (Cal. Code Regs., tit. 8 § 10430.) Applicant argues that the order should be rescinded as fraudulent based on the PWCJ use of a "modified and altered" signature to issue the decision and order which is a denial of due process.

The PWCJ filed a Report and Recommendation (Report) recommending denial of applicant's petition.

We did not receive an answer.

We have considered the allegations of the Petition for Reconsideration and the contents of the Report, and we have reviewed the record in this matter. For the reasons discussed below, we deny reconsideration.

I.

Preliminarily, we note that former Labor Code¹ section 5909 provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days

¹ All further statutory references are to the Labor Code, unless otherwise noted.

from the date of filing. (Lab. 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 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 3, 2026, and 60 days from the date of transmission is Sunday, August 2, 2026. The next business day that is 60 days from the date of transmission is Monday, August 3, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)² This decision is issued by or on August 3, 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 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.

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.

Here, according to the proof of service for the Report and Recommendation by the presiding workers' compensation administrative law judge, the Report was served on June 3, 2026, and the case was transmitted to the Appeals Board on June 3, 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 3, 2026.

II.

Applicant claimed injury to his right upper extremity, including his right hand/middle finger, to his psyche and his internal systems (gastroesophageal reflux disease and non-ulcerative dyspepsia) while employed by defendant as a cook on April 25, 2006.

On October 26, 2012, a WCJ issued a Findings and Award that included a Finding that the injury caused 45% permanent disability, and that applicant required further medical treatment to cure or relieve from the effects of his injury.

On January 18, 2013, the Appeals Board issued an Opinion and Order Granting Reconsideration and Decision After Reconsideration affirming the award.

On August 13, 2014, a WCJ issued an order dismissing applicant's attorney, and applicant has remained in pro per.

On September 3, 2014, applicant filed a Petition to Reopen for new and further disability. On March 18, 2015, a prior PWCJ issued a Findings of Fact and Order dismissing the Petition to Reopen as untimely.

On March 8, 2022, the PWCJ issued a Findings of Fact that found in pertinent part that there was no jurisdiction to award additional partial disability indemnity for the injury of April 26, 2006. In the Opinion, the PWCJ states:

It is apparent from a number of applicant's exhibits that he is dissatisfied with his level of permanent partial disability. His award became final long ago and I am without authority to revisit this issue. To the extent Mr. Paiz has invoked Labor Code section 4553, such relief is also time-barred.

Likewise, I find no basis for any relief relating to applicant's allegations of fraud and forgery. Mr. Paiz appears to believe that defense counsel engaged in a course of falsifying my signature on a number of documents because of the difference in how my signature appears when affixed "wet" to a hard copy as opposed to

electronically to a computer-generated document. Indeed, I freely acknowledge that even my “wet” signatures can vary in appearance from page to page, depending on the writing surface, space limitations, or being rushed. Having carefully reviewed all of applicant’s exhibits, I find that each such signature in fact originated with the court and was actually affixed by me through one of those two means. Moreover, each document is identical to the version filed in EAMS at the time of issuance. The allegation of forgery may have come from a genuine misunderstanding on applicant’s part, but it has no evidentiary support whatsoever.

With respect to applicant’s allegations of violations of multiple other laws, such as sections of the California Penal and Insurance Codes and the federal HIPAA provisions, these issues lie outside the Appeals Board’s jurisdiction altogether and I make no findings in those respects.

Mr. Paiz remains entitled to reasonable and necessary further medical care to cure or relieve from the effects of his 2006 industrial injury. In the event of future bona fide disputes regarding his access to such care, he is, of course, entitled to file a new DOR and request an expedited hearing or trial. At this time, however, he has not demonstrated his right to any relief which I am empowered to award.

(Opinion, March 8, 2022, pp. 6-7.)

On May 31, 2022, the Appeals Board issued an Opinion and Order Dismissing Petition for Reconsideration³ of the March 8, 2022 Findings of Fact as untimely.

On October 10, 2024, the PW CJ issued a Findings of Fact that found in pertinent part that applicant did not meet his burden of proof to show any denial or delay of medical treatment and that applicant did not meet his burden of proof with respect to any denial or delay of medical treatment. Specifically, in his Opinion the PW CJ explained:

I have thoroughly reviewed the two new exhibits offered by Mr. Paiz (exhibits 28 and 29). Unfortunately, they contain very little new material. Rather they comprise predominantly correspondence, minutes of hearing, and orders previously issued in this case, as well as documents apparently submitted by the applicant to the Federal Bureau of Investigations, to the California Judicial Council, and to the DWC Public Records Act coordinator.

As before, applicant appears to firmly believe that defense counsel is committing a number of violations of state and federal laws, as well as contacting him from a telephone number allegedly flagged by Mr. Paiz’s equipment as “scam.” It is also evident that applicant has availed himself of the state bar attorney complaint procedure, as well as the DWC Ethics Advisory Council procedure for investigating

³ Commissioner Marguerite Sweeney and Commissioner Deidra E. Lowe, who were on the panel that issued the decision no longer serve on the Appeals Board. Other panelists were appointed in their place.

workers' compensation judges. Applicant has been repeatedly advised that my jurisdiction does not extend to criminal or other investigative matters.

Based on my updated analysis of the evidence, I am once again compelled to find that applicant has not demonstrated his entitlement to any disputed medical treatment beyond what he is currently receiving in accordance with his existing award. The Appeals Board lacks jurisdiction to award him increased indemnity and his allegation of serious and willful misconduct was previously decided. As to his demand for \$2,500,000 in compensation from defense counsel, this is not an appropriate forum and no findings will be made.

(Opinion, October 10, 2024, pp.2-3.)

On September 4, 2025, defendant filed an amended petition to have applicant declared a vexatious litigant pursuant to WCAB Rule 10430 (Cal. Code Regs., tit. 8, § 10430).

On January 15, 2026, the parties proceeded to a hearing on the issue of whether applicant should be declared a vexatious litigant.

On April 10, 2026, the PWCJ issued the Order that is the subject of applicant's Petition for Reconsideration.

As set forth in the Opinion:

My review of the relevant history began with the following findings previously made in the case. On March 18, 2015, the Appeals Board found that applicant's petition to reopen was untimely and ordered it dismissed. Since that time, the Board's jurisdiction has been limited to enforcement of applicant's medical award. On March 8, 2022, I found that I no longer had jurisdiction to find increased disability or a violation of Labor Code section 4553. I also found that the Board lacks jurisdiction to address applicant's allegations of criminal conduct and HIPAA violations on the part of defense counsel. More substantively, I found that applicant failed to prove any fraud or forgery in connection with his compensation case and that he did not meet his burden of proof with respect to alleged delay or denial of medical care. Applicant's petition for reconsideration was dismissed. He raised very similar contentions again, however, and on October 10, 2024, I again found that the Board is without jurisdiction to consider any alleged criminal conduct, including HIPAA violations. I also concluded that applicant still had not met his burden of proof as to alleged delays or denial of care. Reconsideration was not sought in connection with that 2024 decision.

The aforementioned allegation of forgery has been at the center of many of applicant's filings and claims of conspiracy. As discussed in my 2022 opinion, as well as on the record during multiple hearings in the case, Mr. Paiz appears to believe that the attorney handling his case on behalf of the employer falsified my signature on court documents. In fact, after this allegation was brought to my attention, I concluded, unequivocally, that the differences between my different

signatures applicant has seized on resulted from my use of electronic signatures when generating some documents, as opposed to my “wet” signature on things like minutes of hearing. There is absolutely no evidence that defense counsel forged my signature on any document and it has been made clear to all parties that I would not hesitate to pursue all disciplinary avenues if that were otherwise.

Nevertheless, following the issuance of the last set of findings in October 2024, applicant has engaged in a pattern of filing pleadings and other documents that either raise allegations previously adjudicated against him or appear to seek relief from agencies other than the Division of Workers’ Compensation. Moreover, many of these filings reflect a tone of utter disrespect for judges and attorneys; additionally, applicant has admitted making unauthorized recordings of the hearings in his case, despite having been told of the prohibition on doing so found in Board Rule 10818.

Such filings include, without limitation, the following:

1. Packet of documents relating to the alleged forgery filed March 18, 2025.
2. California Committee on Judicial Performance complaint lodged in EAMS March 27, 2025 (as with all documents purporting to relate to other government proceedings, I have no information as to those agencies’ receipt or acceptance of applicant’s submissions).
3. Packet titled “Summons and Complaint” relating to the alleged forgery filed April 1, 2025.
4. Packet addressed to the state attorney general relating to the alleged forgery filed April 1, 2025.
5. Complaint regarding an allegedly missed virtual hearing, wherein applicant acknowledges making an unauthorized recording, filed April 18, 2025.
6. Demand for compensation of \$25,000,000 filed April 29, 2025.
7. “Motion” against the Honorable Barry Gorelick, to whom the case was assigned for conference, filed May 2, 2025.
8. Ethics Advisory Committee complaint regarding Judge Gorelick, lodged in EAMS May 30, 2025.
9. “Motion” asking the state attorney general to file a lawsuit against Judge Gorelick for protecting me and Mr. Parente from being

imprisoned; again referring to making recordings, filed June 9, 2025.

10. Ethics Advisory Committee [EAC] complaint regarding me, lodged in EAMS June 24, 2025.

11. Letter enclosing the two above-referenced EAC complaints, filed July 28, 2025.

12. Correspondence, made to resemble a summons and complaint, addressed to the Committee on Judicial Performance [CJP], demanding a response and again referencing recordings of hearings, filed August 22, 2025.

13. "Appeal and motion" demanding that the state attorney general obtain compensation of \$25,000,000 for Mr. Paiz, again referring to unauthorized recordings, filed September 16, 2025.

14. "Motion" against Judge Gorelick and me, alleging corruption and characterizing both judges as an embarrassment to the system, on the basis of alleged recordings of WCAB proceedings, filed October 3, 2025.

15. Opposition to defendant's petition to have applicant declared a vexatious litigant, filed November 26, 2025.

In each of the cited instances, applicant's conduct met the above-quoted definitions in subdivisions (a)(1) and/or (a)(2) of Rule 10430. In other words, every filing either seeks to relitigate a previously decided issue, lacks any merit, or both. Mr. Paiz's filings since the 2024 trial have never set forth a basis for relief this forum can afford him. He was instructed, on multiple occasions, that, to the extent he believes he is entitled to assistance from the Department of Justice, the EAC, the CJP, the state bar, or law enforcement agencies, he should communicate with those entities instead of filing such documents with the Appeals Board. And, to the extent his filings are at times unintelligible and, at other times, outright personally and professionally insulting to members of the bench and the bar, such conduct is found to have been intended to cause harassment (Board Rule 10430(a)(2)).

(Opinion and Order, April 10, 2026, pp. 2-4.)

III.

WCAB Rule 10430 states in its entirety as follows:

(a) For purposes of this rule, "vexatious litigant" means:

(1) A party who, while acting in propria persona in proceedings before the Workers' Compensation Appeals Board, repeatedly relitigates, or attempts to relitigate, an issue of law or fact that has been finally determined against that party by the Workers' Compensation Appeals Board or by an appellate court;

(2) A party who, while acting in propria persona in proceedings before the Workers' Compensation Appeals Board, repeatedly files unmeritorious motions, pleadings or other papers, repeatedly conducts or attempts to conduct unnecessary discovery, or repeatedly engages in other tactics that are in bad faith, are frivolous or are solely intended to cause harassment or unnecessary delay; or

(3) A party who has previously been declared to be a vexatious litigant by any state or federal court of record in any action or proceeding based upon the same or substantially similar facts, transaction(s) or occurrence(s) that are the subject, in whole or in substantial part, of the party's workers' compensation case.

For purposes of this rule, the phrase "finally determined" shall mean:

(i) That all appeals have been exhausted or the time for seeking appellate review has expired; and

(ii) The time for reopening under Labor Code sections 5410 or 5803 and 5804 has passed or, although the time for reopening under those sections has not passed, there is no good faith and non-frivolous basis for reopening.

(b) Upon the petition of a party, or upon the motion of any workers' compensation judge or the Appeals Board, a presiding workers' compensation judge of any district office having venue or the Appeals Board may declare a party to be a vexatious litigant.

(c) No party shall be declared a vexatious litigant without being given notice and an opportunity to be heard. If a hearing is requested, the presiding workers' compensation judge or the Appeals Board, in their discretion, either may take and consider both oral and documentary evidence or may take and consider solely documentary evidence, including affidavits or other written declarations of fact made under penalty of perjury.

(d) If a party is declared to be a vexatious litigant, a presiding workers' compensation judge or the Appeals Board may enter a "prefiling order," i.e., an order which prohibits the vexatious litigant from filing, in propria persona, any Application for Adjudication of Claim, Declaration of Readiness to Proceed, petition or other request for action by the Workers' Compensation Appeals Board without first obtaining leave of the presiding workers' compensation judge of the district office where the request for action is proposed to be filed or, if the matter is pending before the Appeals Board on a petition for reconsideration, removal or disqualification, without first obtaining leave from the Appeals Board. For purposes

of this rule, a "petition" shall include, but not be limited to, a petition to reopen under Labor Code sections 5410, 5803 and 5804, a petition to enforce a medical treatment award, a penalty petition or any other petition seeking to enforce or expand the vexatious litigant's previously determined rights.

(e) If a vexatious litigant proposes to file, in propria persona, any Application for Adjudication of Claim, Declaration of Readiness to Proceed, petition or other request for action by the Workers' Compensation Appeals Board, the request for action shall be conditionally filed. Thereafter, the presiding workers' compensation judge, or the Appeals Board if the petition is for reconsideration, removal or disqualification, shall deem the request for action to have been properly filed only if it appears that the request for action has not been filed in violation of subdivision (a). In determining whether the vexatious litigant's request for action has not been filed in violation of subdivision (a), the presiding workers' compensation judge, or the Appeals Board, shall consider the contents of the request for action and the Workers' Compensation Appeals Board's existing record of proceedings, as well as any other documentation that, in its discretion, the presiding workers' compensation judge or the Appeals Board asks to be submitted. Among the factors that the presiding workers' compensation judge or the Appeals Board may consider is whether there has been a significant change in circumstances (such as new or newly discovered evidence or a change in the law) that might materially affect an issue of fact or law that was previously finally determined against the vexatious litigant.

(f) If any in propria persona Application for Adjudication of Claim, Declaration of Readiness to proceed, petition or other request for action by the Workers' Compensation Appeals Board from a vexatious litigant subject to a prefiling order is inadvertently accepted for filing (other than conditional filing in accordance with subdivision (e) above), then any other party may file (and shall concurrently serve on the vexatious litigant and any other affected parties) a notice stating that the request for action is being submitted by a vexatious litigant subject to a prefiling order as set forth in subdivision (d). The filing of the notice shall automatically stay the request for action until it is determined, in accordance with subdivision (e), whether the request for action should be deemed to have been properly filed.

(g) A copy of any prefiling order issued by a presiding workers' compensation judge or by the Appeals Board shall be submitted to the Secretary of the Appeals Board, who shall maintain a record of vexatious litigants subject to those prefiling orders and who shall annually disseminate a list of those persons to all presiding workers' compensation judges.

(Cal. Code Regs., tit. 8, § 10430.)

Pursuant to WCAB Rule 10430 a person may be declared a vexatious litigant where the person: "repeatedly files unmeritorious motions, pleadings or other papers, repeatedly conducts or

attempts to conduct unnecessary discovery, or repeatedly engages in other tactics that are in bad faith, are frivolous or are solely intended to cause harassment or unnecessary delay[.]” (*Ibid.*) The finding that applicant is a vexatious litigant is proper on this record. Each of the filings delineated in the Opinion and Order of April 10, 2026 either seeks to relitigate a previously decided issue, lacks any merit, or both. The filings by applicant since the October 10, 2024 Findings of Fact fail to set forth a basis for relief within the Labor Code or the jurisdiction of the Appeals Board. The record shows that applicant has been advised on multiple occasions, that, to the extent he believes he is entitled to assistance from the Department of Justice, the Ethics Advisory Committee, the California Committee on Judicial Performance, the state bar, or law enforcement agencies, he should communicate with those entities instead of filing such documents with the Appeals Board. Furthermore, we agree with the PWCJ that to the extent applicant’s filings are at times unintelligible and, at other times, outright personally and professionally insulting to members of the bench and the bar, such filings are construed to cause harassment in violation of Board Rule 10430(a)(2). (Cal. Code Regs., tit. 8, 10430(a)(2).) Use of inappropriate, insulting, and offensive language in pleadings is not permitted. (Cal. Code Regs., tit. 8, 10421(b)(9).)

Accordingly, we deny applicant’s Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Findings and Order issued on April 10, 2026 by the PWCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ PAUL F. KELLY, COMMISSIONER

/s/ JOSEPH V. CAPURRO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

AUGUST 3, 2026

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

**JULIO PAIZ
LAW OFFICES OF JOHN J. PARENTE
MARRIOTT**

TD/cs

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