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

**MATTHEW BAILEY,** ***Applicant***

**vs.**

**HOTLINE ELECTRICAL CONTRACTOR, INC.,**
***Defendant***

**Adjudication Numbers: ADJ11736712; ADJ13220428**
**San Diego District Office**

# OPINION AND ORDER GRANTING PETITION FOR RECONSIDERATION AND NOTICE OF INTENT TO IMPOSE SANCTIONS

Applicant seeks reconsideration of the Joint Findings and Order (F&O) issued on July 31, 2026. The workers' compensation administrative law judge (WCJ) found, in relevant part, that applicant sustained an injury arising out of and in the course of employment (AOE/SOE) to his right upper extremity and claimed to have sustained injury AOE/COE of employment to his shoulders and psyche; that applicant timely filed his Petition for Discrimination Benefits Pursuant to Labor Code section 132a[1]; and that defendant did not violate section 132a.

Applicant contends that the WCJ erred in not finding that applicant had established a prima facie case for discrimination pursuant to section 132a.

Defendant filed an Answer. The WCJ retired prior to the Petition being filed. The presiding WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

We have considered the allegations of the Petition, the Answer, and the contents of the Report of the WCJ with respect thereto. Based on our review of the record and for the reasons discussed below, we will grant the Petition for Reconsideration and issue a Notice of Intention to impose sanctions of up to $2,500.00 against applicant's attorney Joseph La Costa (Cal. State Bar # 108443). Any response to the Notice of Intent shall be filed in the Electronic Adjudication Management System (EAMS) within twenty (20) days plus five (5) additional days for mailing

[1] Unless otherwise stated, all further statutory reference is to the Labor Code.

(Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice. Responses shall only address the issue of good cause to impose sanctions pursuant to section 5813 and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421).

**FACTS**

Applicant filed multiple claims of injury. As relevant here, in ADJ11736712, applicant sustained injury on February 28, 2014 while employed as a journeyman lineman to his right upper extremity and claimed to have sustained injury his shoulders and psyche. In ADJ13220428, applicant sustained an injury during the period of November 18, 2017 through November 18, 2018 to his right upper extremity and claimed to have sustained an injury to his arms, chest, hand, back, shoulders, and psyche.[2]

On November 5, 2019, applicant filed a Petition for Discrimination Benefits Pursuant to Labor Code section 132a..

Applicant's cases were resolved by Compromise and Release (C&R), which was approved on November 5, 2021. The settlement did not settle allegations against the employer pursuant to section 132a. According to stipulations in the C&R, temporary disability was paid from November 10, 2018 through March 1, 2019.

On August 13, 2024, the parties proceeded to trial on the section 132a issue in ADJ11736712 and ADJ13220428.[3] In ADJ11736712, the primary issue was "Violation of Labor Code section 132a by [d]efendants. Defendant disputes violation of Labor Code section 132a, as applicant continued to work until April 15, 2015, when he took another job." In ADJ13220428, the issue was, "Violation of Labor Code section 132a by [d]efendants. Defendant disputes violations of Labor Code section 132a. . . ."[4]

The parties submitted three medical reports as joint exhibits. Primary Treating Physician Michael Byer, M.D., (PTP) evaluated applicant on March 21, 2014. The report indicated applicant

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[2] Applicant listed ADJ11720594 on his petition for section 132a benefits, but it appears to be a clerical error since ADJ11720594 was resolved by way of a Compromise and Release on January 15, 2019, and the petition was filed on November 5, 2019. In ADJ12320912, he alleged cumulative injury to his arms, hands, back, shoulders, upper extremities, and nervous system/psyche from February 18, 2014 to February 20, 2019.

[3] On February 28, 2024, at a mandatory settlement conference, the WCJ ordered claims ADJ11720594 and ADJ12320912 off calendar, but set trial in ADJ11736712 and ADJ13220428.

[4] In ADJ13220428, defendant contended that applicant's petition was untimely. In the F&O, the WCJ found that it was timely, and defendant did not challenge this finding upon reconsideration. Thus, we do not consider the issue of timeliness.

had pain in the right wrist with moderate tricep weakness and that he could not extend the wrist. (Joint Exhibit 3.) He was referred for an MRI of the brachial plexus and given work restrictions which stated, "no work which requires firm grasp with both hands (power tools)." An EMG was performed which suggested severe acute brachial plexopathy and an incidental finding of carpal tunnel syndrome. (Joint Exhibit 5.) A November 10, 2018 report from Dr. Byer indicated a primary complaint of pain in the right wrist. (Joint Exhibit 4.) The report noted that applicant was last seen on March 21, 2014 for right upper extremity neuropathy. At the evaluation he was unable to open his hand, and the report noted, "he's been working as a pole climber, doing his best with the weak hand." He was placed on modified duty of no forceful or repetitive use of the right hand.

Handwritten notes were also admitted into evidence, but there is no indication as to when the notes were written or the author. (Joint Exhibit 2.)

Joint Exhibit 1 contains emails between the claims examiner and various employees of defendant indicating that they would not be able to accommodate any modified duty. On November 6, 2018, John Haenny confirmed that applicant had been working on an inspection crew and floating on crews who needed additional help. (*Id*. at p. 8.) There is an internal discussion on November 11, 2018 in which the defendant determines that they would not be able to accept modified duty during "storm work." On November 11, 2018, the risk manager advises the insurance adjuster that they did not have a job for applicant because they were working with fires and it was very demanding. She requested to know when he would be released to full duty. (*Id*. at p. 13.) On November 15, 2018, in an email to the claims examiner, the risk manager advised that applicant requested a termination slip to go back to the union. They discussed assigning a nurse case manager and whether he was going to look for another position. (*Id*. at p. 19.)

A termination slip dated November 15, 2018, notes "voluntary quit" for "personal reasons." (Defendant's Exhibit 2.)

On October 29, 2024, but trial was continued.

Thereafter, applicant filed a Petition for Disqualification. On September 24, 2025, we issued an Opinion and Order Denying Petition for Disqualification. In that Opinion, we concluded by warning applicant's attorney that:

> Applicant's attorney is further admonished that failure to fully and accurately set forth the facts and evidence is grounds to deny a petition and could be construed as either frivolous or bad-faith conduct.

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On March 2, 2026, trial continued. (Minutes of Hearing/Summary of Evidence (MOH/SOE), 03/02/2026.) Applicant testified in relevant part as follows:

He belongs to the Local 47 union as a Union Journeyman Lineman. (MOH/SOE, 03/02/2026, 2:7-8.) He had worked for defendant approximately three times beginning in approximately 2011 or 2013. (*Id*. at 2:9-11.)

He suffered an injury in 2014 to his right hand and was referred for medical treatment. He was given restrictions that restricted use of a drill with the right hand and not being able to climb a pole. (*Id.*at 2:16-22.) He did not miss time from work following the injury. (*Id*. at 2:23.) At some point his PTP released him to full duty without restrictions and completed the project with defendant in 2014. (*Id*. at 3:3.)

He returned to work for defendant in May of 2017, and again in May of 2018, on and off through November 2018. (*Id*. at 3:4-8.) He did not have restrictions. In October of 2018, he advised his safety manager that he felt his right shoulder and arm were getting worse at which point he was given modified duty until he went back to his PTP. (*Id*. at 3:10-15.) When he saw the PTP, he did not recall restrictions being given but was told that his hand was irreparable. (*Id*. at 3.16-17.)

On November 12, 2018, after a doctor visit a couple of days prior, he was escorted off the worksite and told to go to another office. (*Id*. at 4: 3-5.) At the office, he spoke with someone from Zurich, Adele Hall, who told him that he was not going back to work. (*Id*. at 4:7-9.) He received a termination form dated November 15, 2019, which stated that he voluntarily quit for personal reasons, but he checked that box under protest. (*Id*. at 4:16-18.) He would have taken any job with defendant and he understood that there were jobs available for him. (*Id*. at 4:19-20.) Later he testified that he checked the box, "for personal reasons" because he believed the company had a personal vendetta against him because of his 2014 injury. (*Id*. at 6:9-11.)

He did not work for about two years after that point and received temporary disability and EDD benefits during that time. (*Id*. at 4:24-25.) He began working full time at the beginning of 2019 for about six weeks, and he is currently working as journeyman lineman in his current job since about 2020. (*Id*. at 4:7-11.)

He believed that other people who were injured while working for defendant were promoted to supervisors. (*Id*. at 5:20.) On September 5, 2017, he was given a termination form for violating company policy which was the only time he had been reprimanded while working for defendant. (*Id*. at 6:1-7.)

On cross examination, applicant confirmed that he saw the PTP on November 10, 2018 and that he advised the doctor that he was unable to open his right hand. (*Id*. at 6:15-17.) He did not know about restrictions that prohibited forceful or repetitive use of his hand nor a company policy that limited a restricted worker to 40 hours per week. He indicated he would have accepted a job at 40 hours per week. (*Id.* at 6:21-24.) He did say that he wanted to work overtime, but would have taken any hours. (*Id*. at 7:2-4.)

Defendant's witness John Haenny then testified. He previously worked for Hot Line Construction for 12 years as the Southern California Regional Safety Manager. (*Id*. at 9:10-11.) He recalled that applicant worked as a journeyman lineman. (*Id*. at 9:17.) A journeyman lineman needed to be able to drive a Class A vehicle, maintain and service high voltage electrical systems, and do troubleshooting. (*Id*. at 9:19-20.) Initially, defendant was able to accommodate restrictions that included limited to use of the right arm, 10 pound limitation for lifting, and no repetitive use of the arm, as well as a 40 hour restriction. (*Id*. at 9:2-24.)

In 2018, applicant was offered modified work which would have been documented in the personnel file and which applicant accepted. (*Id*. at 10:7-8.) He recalled that applicant was unable to climb poles or work out of a bucket due to the limited use of his right arm. (*Id*. at 10:5.) He also noted that the rules limited him to a maximum of 40 hours per week. (*Id*. at 10:9-10.)

Applicant requested to work overtime when the Thomas and Woolsey Fires started, but was advised that he was limited to 40 hours per week. (*Id*. at 10:12-16.) Applicant stated that he needed to work 16 hours per day which would not be accommodated. Then applicant voluntarily quit for personal reasons. (*Id*. at 10:21-24.) It was his understanding that applicant voluntarily quit to work overtime at another job. (*Id*. 11:5.)

On cross examination, he confirmed that he reviewed the PTP report dated November 10, 2018 which included work restrictions. (*Id*. 11:14-16.) He believed that applicant was offered modified work through the corporate office but did not recall the specifics of the job. (*Id*. 12:3-4.) Modified duties were usually listed on a form that applicant would sign which is different from the union form. (*Id*. 12:7-10.)

On May 16, 2026, the trial continued. Applicant was called again to testify. He did not recall signing a form noting a 40 hour limitation or modified work. (MOH/SOE, 05/16/2026, 2:8-9.) He also testified that he was not given restrictions from his PTP in 2018, but that the doctor told him to, "keep doing what he was doing." (*Id*. at 2:15-17.)

Prior to seeing the doctor, he was working on a crew that did underground cable work. After he saw the doctor, he was assigned to normal line work in Santa Barbara. (*Id*. at 2:18-21.)

When he spoke with the adjuster from Zurich, she advised him that she thought it would be "insane" for him to work the Malibu fires which offended applicant. (*Id*. at 3:1-3.) He was also upset that no one from defendant contacted him or referred him to another PTP. (*Id*. at 3:4-8.) He testified that no one from the employer looked at his arm and told him he could not work the Malibu fires. (*Id*. at 3:19-22.) He did continue to work another job without an hours restriction after working for defendant. (*Id*. at 3:15-18.) He did not believe he was restricted to 40 hours and may have mentioned that he wanted to work overtime, but would have accepted 40 hours. (*Id*. at 4:3-6.)

Mr. Haenny was also re-called to testify. He testified that applicant was working a modified schedule and working with restrictions that did not allow climbing poles or working from a bucket truck. (*Id*. at 4:19-21.) The modified work was offered, accepted by applicant, and in place sometime in 2018. (*Id*. at 4:25-5:1.) The crews working the Thomas fires were working 16 hours per day 7 days per week, which applicant would not have been able to do until he was released from worker's compensation. (*Id*. at 5:3-5.)

On cross examination, he confirmed that it was his recollection that at the time of applicant's return to work for defendant in 2018 that he did not have any restrictions. (*Id*. at 5:22-24.) He does not remember how long applicant was back working for defendant when applicant showed him his arm. (*Id*. at 5:17 & 5:22-24.)

On July 29, 2026, the WCJ issued her F&O finding that applicant failed to prove that he was singled out for disparate treatment because of the industrial injury.

## DISCUSSION

### I.

Petitions for reconsideration filed on or after July 14, 2026 are subject to section 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 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 25, 2026 and 60 days from the date of transmission is Saturday October 24, 2026. The next business day that is 60 days from the date of transmission is Monday, October 26, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[5] This decision is issued by or on Monday, October 26, 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 shall be notice of transmission.

Here, according to the proof of service for the Report, the Report was served on August 25, 2026 and the case was transmitted to the Appeals Board on August 25, 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 August 25, 2026.

[5] 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.

## II.

Under section 132a, "[i]t is the declared policy of this state that there should not be discrimination against workers who are injured in the course and scope of their employment." Section 132a protects an employee from retaliation or discrimination by an employer because of an exercise of workers' compensation rights. (*City of Moorpark v. Superior Court* (1998) 18 Cal.4th 1143 [63 Cal.Comp.Cases 944] (*Moorpark*); *Judson Steel Corp. v. Workers' Comp. Appeals Bd.* (1978) 22 Cal.3d 658 [43 Cal.Comp.Cases 1205]; *Department of Rehabilitation v. Workers' Comp. Appeals Bd.* (*Lauher*) (2003) 30 Cal.4th 1281, 1298-1299 [68 Cal.Comp.Cases 831]; *Franco v. MV Transportation*, *Inc*. (2019) 84 Cal.Comp.Cases 666, 678.) Section 132a has been "interpreted liberally to achieve the goal of preventing discrimination against workers injured on the job," while not compelling an employer to "ignore the realities of doing business by 'reemploying' unqualified employees or employees for whom positions are no longer available." (*Lauher*, *supra*, at pp. 1298–1299 [citations omitted].)

Pursuant to section 132a, "[a]ny employer who discharges, or threatens to discharge, or in any manner discriminates against any employee because he or she has filed or made known his or her intention to file a claim … or an application for adjudication, or because the employee has received a rating, award, or settlement, … testified or made known his or her intention to testify in another employee's case …" may be guilty of a misdemeanor and responsible for the payment of increased compensation, costs, lost wages, and work benefits to the injured employee. (Lab. Code, § 132a; *Franco*, *supra*, at p. 678.) However, an employer "does not necessarily engage in 'discrimination' prohibited by section 132a merely because it requires an employee to shoulder some of the disadvantages of his industrial injury." (*Lauher*, *supra*, at p. 1300; *Franco*, *supra*, at p. 679.)

Thus, "[t]o meet the burden of presenting a prima facie claim of unlawful discrimination in violation of section 132a, it is insufficient that the industrially injured worker show only that … he or she suffered some adverse result as a consequence of some action or inaction by the employer that was triggered by the industrial injury. The claimant must also show that he or she had a legal right to receive or retain the deprived benefit or status, and the employer had a corresponding legal duty to provide or refrain from taking away that benefit or status." (*Lauher*, *supra*, at p. 1300; *Franco*, *supra*, at p. 679.) Stated another way, an injured worker must show they were subject to "disadvantages not visited on other employees because they were injured." (*Id*.)

In this matter, based on our review, it appears that applicant did not meet his burden to prove that the adverse effects of his injury rose to the level of discrimination required in section 132a. Applicant argues after a period of modified work from November 2, 2018 through November 10, 2018 that defendant breached a contractual arrangement by not offering continued modified duty. He alleged that removal from his position on November 12, 2018 was in violation of the collective bargaining agreement of his union. There was no evidence provided, however, that a contractual arrangement existed or that the change was anything other than a re-assignment from the employer either due to a business necessity or worsening of his injury. Either way, the official work restrictions were not received until the medical report from the PTP was obtained on November 10, 2018. Even if there were an agreement, the existence of a medical report with updated restrictions would have triggered a new assessment of appropriate accommodation and offer of work. There is no obligation in the Labor Code that requires the defendant to investigate the veracity of a physician's opinion as to modified restrictions or to make decisions regarding restrictions without a medical opinion.

Applicant does not show that the failure to accommodate, though an adverse event, was discriminatory or anything other than the logical consequence of a decline due to industrial injury. In fact, defendant employer requested that the carrier provide notice of a full work release so that applicant could resume working.

Applicant contends that defendant employer was discriminating based on a perceived injury and disability. However, the employer was relying on the opinion of the physician, an opinion which they must accept when contemplating accommodation. It is impermissible for an employer to offer modified duty that exceeds the restrictions, nor is it permissible for the employer to institute its own restrictions outside of the medical opinion. Here, defendant could not offer such work, and therefore it paid temporary disability benefits in lieu of a job offer. Prior to the November 10, 2018 report, applicant did not have restrictions that were documented by medical reporting, thus it is not relevant whether he worked from the 2014 injury through November 9, 2018, with or without accommodation. If applicant felt that the restrictions were inappropriate, his options were to seek another opinion from the same doctor, change doctors, or proceed with medical-legal discovery.

Applicant argues that his participation in the union placed him in a class that was subject to discrimination. There was no evidence presented that not offering modified work was in

violation of a collective bargaining agreement or that applicant was terminated in violation of union agreements. Likewise, the contention that as a union employee he was subject to a different standard of practice for injuries from non-union employees is unfounded and not supported in the record. Any collective bargaining violations cannot be adjudicated in this forum.

As a result, it appears that applicant failed to meet his burden to prove a discriminatory act due to industrial injury and may not be entitled to enhanced benefits under section 132a.

**III.**

We also share the WCJ and presiding WCJ's concern that applicant was citing to evidence not supported by the record or not in the record. In our September 24, 2025 Opinion denying disqualification, we admonished applicant's counsel for engaging in similar conduct:

> Applicant's attorney is further admonished that failure to fully and accurately set forth the facts and evidence is grounds to deny a petition and could be construed as either frivolous or bad-faith conduct.

WCAB Rule 10945 (Cal. Code Regs., tit. 8, § 10945), subdivision (b) states, "every petition and answer shall support its evidentiary statements by specific references to the record." "A petition for reconsideration, removal or disqualification may be denied or dismissed if it is unsupported by specific references to the record and to the principles of law involved." (Cal. Code Regs., tit. 8, § 10972.) In short, failure to cite the record and failure to fully and accurately set forth the facts and evidence is grounds to deny a petition for reconsideration. (Lab. Code, § 5902; Cal. Code. Regs., tit. 8, § 10972.)

In addition to the inconsistencies noted by the WCJ in the Opinion and the presiding WCJ in the Report, we note that there are assertions in the Statement of Facts in the Petition for Reconsideration that fail to refer to support in the record and/or fail to accurately depict the record.

Specifically, in that section, paragraphs 3 through 9 do not cite to either testimonial or documentary evidence. In addition, in the paragraphs where citations are used, they refer to the wrong records. For example, in paragraph 3, applicant asserts that the PTP returned him to his regular duty following the first report with work restrictions and then subsequently returned him to full duty. (Petition, 4:21-5:2.) Yet, there is only one report from 2014 in evidence which contains work restrictions. The next few paragraphs summarize the ways in which applicant adjusted to accommodate for his injury from 2014 through 2018, but there are no citations to the record. In paragraph 7, applicant alleges that he had not had any negative job performances, but Defendant's

Exhibit B and applicant's testimony demonstrate that applicant had been discharged for violating company policy in 2017.

Moreover, there were three days of trial, with testimony by both applicant and defendant's employee, but even where there were citations to the MOH/SOE, the citations do not refer to correct MOH/SOE.

Section 5813 permits the Workers' Compensation Appeals Board to issue sanctions of up to $2,500.00, for acts which result from ". . . bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (Lab. Code § 5813(a).) WCAB Rule 10421(b) states in relevant part that bad faith actions include "failure to comply with a statutory or regulatory obligation" or actions that "are indisputably without merit."

Here, applicant's attorney failed to cite the record and failed to fully and accurately set forth the facts and evidence is grounds to deny a petition for reconsideration. (Lab. Code, § 5902; Cal. Code. Regs., tit. 8, § 10972.) In addition, applicant's attorney was previously warned about this conduct in our Opinion of September 24, 2025. Thus, we intend to issue a notice of intention to impose sanctions up to the statutory maximum of $2,500.00.

***We issue a Notice of Intention to impose sanctions of up to $2,500.00 against applicant's attorney Joseph La Costa (Cal. State Bar # 108443).*** Any response to the Notice of Intent shall be filed in EAMS within twenty (20) days plus five (5) additional days for mailing (Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice. *Responses shall only address the issue of good cause to impose sanctions pursuant to section 5813 and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421).*

This is not a final decision on the merits of the Petition for Reconsideration.

Accordingly, we grant the Petition for Reconsideration and issue the Notice of Intent.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Reconsideration is **GRANTED**.

**NOTICE IS HEREBY GIVEN** that absent written objection in which good cause to the contrary is demonstrated, within twenty (20) days plus five (5) additional days for mailing (Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice, pursuant to Labor Code section 5813 and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421), the Workers' Compensation Appeals Board will order applicant's attorney **JOSEPH LA COSTA** (Cal. State Bar # 108443), to pay sanctions of up to $2,500.00 payable to the General Fund.

**IT IS FURTHER ORDERED** that all responses to this Notice must be electronically filed in the Electronic Adjudication System (EAMS) within twenty (20) days plus five (5) additional days for mailing (Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice. Responses shall only address the issue of good cause to impose sanctions pursuant to section 5813 and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421). **Untimely or misfiled responses may not be accepted or considered.**

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**OCTOBER 26, 2026**

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

**MATTHEW BAILEY**
**JOSEPH LA COSTA**
**LEWIS, BRISBOIS, BISGAARD & SMITH, LLP**

**TF/md**

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