

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

MENETTE YOUNG, *Applicant*

vs.

**CEDARS SINAI MEDICAL CENTER, permissibly self-insured,
administered by BETA HEALTHCARE GROUP, *Defendants***

**Adjudication Number: ADJ15298613
Van Nuys District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

Defendant has filed a petition for removal from the “Finding(s), Order(s), and Opinion on Decision” issued on February 9, 2026, by the workers’ compensation administrative law judge (WCJ). The WCJ found that applicant established good cause for a replacement panel due to the unavailability of the qualified medical evaluator (QME) to set an initial evaluation appointment.

Defendant contends that the WCJ abused their discretion in finding a replacement panel was warranted.

We have received an Answer from applicant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal, the Answer, and the contents of the WCJ’s Report. Based on our review of the record and based upon the WCJ’s analysis of the merits of petitioner’s arguments in the WCJ’s Report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers’ Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers’ Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner

ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

Pursuant to the en banc holding in *Vasquez*:

In a represented case, where a QME does not timely establish availability to set an appointment pursuant to AD Rule 31.3, a WCJ or the Appeals Board has discretion to order a replacement QME for good cause. The WCJ or the Appeals Board may consider the following:

- a. The length of delay caused by the QME's unavailability.
- b. The amount of prejudice caused by the delay in availability versus the amount of prejudice caused by restarting the QME process.
- c. What efforts, if any, have been made to remedy the QME's availability.
- d. Case specific factual reasons that justify replacing or keeping the current QME, including whether a party may have waived its objection.
- e. The Appeals Board's constitutional mandate to "accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character." (Cal. Const., art. XIV, § 4.)

(*Vasquez v. Inocensio Renteria* (2025) 90 Cal.Comp.Cases 514, 516-517 (Appeals Board en banc).)

Here, the WCJ has adequately analyzed the *Vasquez* factors and determined that a replacement panel is warranted. In particular, the length of delay caused by the initial QME's unavailability appears similar to the delay caused by proceeding with a replacement QME, particularly since applicant acted swiftly in obtaining a replacement panel. There is no significant prejudice in restarting the QME process as it does not appear that a QME has reported yet. While defendant did make efforts to remedy the initial QME's unavailability, the WCJ was well within their discretion to weigh that effort against applicant's efforts to obtain a QME who could set a sooner appointment. On the record before us, no abuse of discretion has occurred.

Accordingly, we deny removal.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Removal from the "Finding(s), Order(s), and Opinion on Decision" issued on February 9, 2026, by the WCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

APRIL 21, 2026

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

**MENETTE YOUNG
LARSON, LARSON & DAUER, ALC
SYNAPSE LIEN UNIT
CDLP LAW**

EDL/mt

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