

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

PATRICK OWENS, *Applicant*

vs.

**NORTHROP GRUMMAN CORP.; AMERICAN HOME ASSURANCE COMPANY,
administered by SEDGWICK CMS, *Defendants***

**Adjudication Number: ADJ14802723
San Jose District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR DISQUALIFICATION
GRANTING PETITION
FOR REMOVAL
AND DECISION
AFTER REMOVAL**

Applicant has filed a petition for disqualification and a petition for removal from the order setting the matter for trial issued on April 23, 2026, by the workers' compensation administrative law judge (WCJ). The WCJ set applicant's petition for 132a for trial along with a petition to seal various medical records.

Applicant contends that the issue of sealing records should be heard prior to the 132a trial. Applicant further contends that the WCJ is biased and should be disqualified from proceeding.

We have not received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal. The WCJ filed a Report and Recommendation on Petition for Disqualification (Report) recommending that the petition for disqualification be dismissed as moot because the WCJ exercised the option of voluntary recusal from further proceedings in this matter.

We have considered the allegations of the Petition for Removal and Petition for Disqualification and the contents of the WCJ's Reports. Based on our review of the record we will dismiss the Petition for Disqualification as that issue is now moot, we will grant removal and as our Decision After Removal, we will return this matter to the presiding judge, who may first

address applicant's petition to seal various records. After that issue is decided, the presiding judge may reassign this matter to another trial judge.

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, the WCJ ordered that applicant's petition to seal be heard together at trial amongst applicant's petition for 132a. The WCJ did not follow WCAB Rule 10813 (Cal. Code Regs., tit. 8, § 10813). Thus, removal is proper in this case.

Decisions of the Appeals Board "must be based on admitted evidence in the record." (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, decisions of the Appeals Board 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]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ's decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10761.)

WCAB Rule 10813 states, in pertinent part:

(d) Documents may be ordered sealed on the motion of the presiding workers' compensation judge or the Appeals Board if the injured employee is unrepresented or other good cause exists for sealing the documents. **All parties shall be given notice and opportunity to be heard.** After the issuance of a notice of intention to seal documents, the documents shall be lodged conditionally under seal pending the issuance of an order sealing the documents or an order finding no good cause to seal the documents.

(Cal. Code Regs., tit. 8, § 10813(d).)

Upon the filing of a petition to seal, the matter is ordinarily referred to the presiding judge, who may decide the issue only after providing the parties with due process. Here, it does not appear

that applicant's petition to seal records was appropriately handled, and thus we will return this matter to the presiding judge to conduct the appropriate proceedings.

As to the issue of disqualification, the WCJ has voluntarily recused herself from proceeding further in this matter. Thus, the petition for disqualification is now moot. After the presiding judge has completed proceedings upon applicant's petition to seal records, this matter may be reassigned for trial with a new WCJ.

Accordingly, we dismiss the Petition for Disqualification as that issue is now moot, grant removal and as our Decision After Removal, we return this matter to the presiding judge, who may first address applicant's petition to seal various records and then reassign this matter to another trial judge.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Disqualification of the WCJ filed on June 2, 2026 is **DISMISSED**.

IT IS ORDERED that applicant's Petition for Removal from the order setting the matter for trial issued on April 23, 2026 by the WCJ is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the order setting the matter for trial issued on April 23, 2026, by the WCJ is **RESCINDED**.

IT IS FURTHER ORDERED that this matter is **RETURNED** to the presiding judge for further proceedings.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

June 29, 2026

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

**PATRICK OWENS
BLACK ROSE
NORTHROP GRUMMAN SYSTEMS CORPORATION**

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