WORKERS' COMPENSATION APPEALS BOARD

STATE OF CALIFORNIA

RICHARD RUIZ, *Applicant*

vs.

COUNTY OF LOS ANGELES PROBATION NO. 640, permissibly self-insured; administered by SEDGWICK CMS, *Defendants*

Adjudication Number: ADJ19060002
Van Nuys District Office

OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

Defendant seek reconsideration of Finding of Fact and Orders (F&O) issued on October 20, 2025. The workers' compensation administrative law judge (WCJ) found that applicant sustained an injury arising out of and occurring in the course of employment with the defendant on February 18, 2024 to the left elbow and left shoulder and deferred the issue of injury in the form of psyche.

Defendant argues that the WCJ did not assess or address the basis for finding that the injury arose out of and in the course of employment. Specifically, they argue that when applicant was handcuffed as part of an investigation, he was taken out of the course of employment. Defendant also clarifies that they were not raising any affirmative defense.

Applicant did not file an answer. The WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

We have considered the allegations of the Petition for Reconsideration and the contents of the report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record,[1] for the reasons stated in the WCJ's Report, which we adopt and incorporate, and for the reasons stated below, we will deny reconsideration.

[1] Our review included review of the transcript of proceedings of October 22, 2025, which appear to be consistent with the WCJ's summary in the Minutes of Hearing/Summary of Evidence. In the Petition, defendant does not raise any issues with respect to the transcript.

I

Former Labor Code section 5909[2] provided that a petition for reconsideration was deemed denied unless the Appeals Board acted on the petition within 60 days from the date of filing. (Lab. Code, § 5909.) Effective July 2, 2024, 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 November 20, 2025 and 60 days from the date of transmission is Monday, January 19, 2026, a court holiday. The next business day that is 60 days from the date of transmission is Tuesday, January 20, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[3] This decision is issued by or on Tuesday, January 20, 2026 so that we have timely acted on the petition as required by Labor Code 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

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[2] All further statutory references will be to the Labor Code unless otherwise indicated.

[3] 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.

act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on November 20, 2025 and the case was transmitted to the Appeals Board on November 20, 2025. 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 November 20, 2025.

II.

In the WCJ's Opinion on Decision, she summarized the factual background as follows:

> The matter came to trial over two days and was submitted for decision on October 22, 2025. The applicant, Richard Ruiz, has been employed by defendant, County of Los Angeles for over 30 years. The applicant was assigned to Los Padrinos Juvenile Hall as a Supervising Detention Services Officer.
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> At trial, the parties introduced evidence including the AME reports of David Heskiaoff, MD (Court Exhibits X1 and X2) as well as Defendant's Exhibit A (denial letter for psyche) and Defendant's Exhibit B (Probation Manual). The latter exhibit was designated by defendant, however, the designated pages do not correspond with any of the page numbers in EAMS. In addition, the exhibit is voluminous as it contains far more than the improperly designated pages. The exhibit does not comport with California Code of Regulations 10759(b)(2) and is stricken from the record.
>
> The crux of the AOE/COE dispute pertains to an incident at work wherein the applicant alleged injury as a result of being handcuffed after being detained/arrested at work. At trial, the applicant testified that on 2/18/2024, he was not feeling well but decided to go to work as they are understaffed. Defense witness, Mario Padilla, a fellow detention officer with less experience than the applicant, was assigned to intercept contraband coming into the facility that day and as such was not in uniform. Neither the applicant nor defense witness knew each other. The applicant was not wearing his uniform when he entered the building.
>
> The initial encounter involved defense witness questioning the applicant over a baggie that had fallen to the ground when the applicant was coming into work. The baggie contained pills filled with prescription and over-the-counter medications e.g. Mucinex, Amoxicillin and Ibuprofen. That bag was dropped at some point and as the applicant approached the X-ray machine to check in defense witness questioned him about the contents of the bag. Applicant told him he had a cold.

> Defense witness informed the applicant that all prescription medications had to be authorized before bringing the medications in and applicant testified that he was not aware of that policy. Defense witness was questioned by the Court regarding the purported written policy and the witness responded that he was verbally informed about it by Eric Strong.
>
> There is a difference as to how the incident that day played out i.e. the applicant testified that he took the baggie to his car after defense witness showed it to him and defense witness testified that the applicant took it from him and he was stunned. Applicant's version appears credible as actions speak louder than words - if defense witness believed illegal activity was going on, it would be logical to chase after the purported suspect to the parking lot and not be stunned nor would the applicant have returned if he thought he had done something wrong. The applicant testified that he continued working until defense witness interrupted him to investigate after the fact with various supervisors primarily over the phone. The matter escalated. Ultimately, the applicant was arrested and given his Miranda rights and remained handcuffed for an hour and 20 minutes.

(Opinion on Decision, pp. 3-4.)

The WCJ then concluded that:

> Thus, based upon applicant's credible testimony and the medical reporting of the AME David Heskiaoff M.D.(Court Exhibits X1 and X2 M.D., dated 10/31/2024 and 1/27/2025, it is found that applicant sustained injury arising out of and occurring in the scope of his employment to his left shoulder and left elbow as a result of the specific injury on 2/18/2024.

(*Id.* at p. 4.)

California has a no-fault workers' compensation system. With few exceptions, all California employers are liable for the compensation provided by the system to employees injured or disabled in the course of and arising out of their employment, "irrespective of the fault of either party." (Cal. Const., art. XIV, § 4.) The protective goal of California's no-fault workers' compensation legislation is manifested "by defining 'employment' broadly in terms of 'service to an employer' and by including a general presumption that any person 'in service to another' is a covered 'employee.'" (Lab. Code, §§ 3351, 5705(a); *S. G. Borello & Sons, Inc. v. Department of Industrial Relations* (1989) 48 Cal.3d 341, 354 [54 Cal.Comp.Cases 80.)

Notwithstanding the above, section 3600 only imposes liability on an employer for workers' compensation benefits if an employee sustains an injury arising out of and in the course of employment (AOE/COE). An employer is liable for workers' compensation benefits, where, at

the time of the injury, an employee is "performing service growing out of and incidental to his or her employment and is acting within the course of employment." (Lab. Code, § 3600(a)(2).) The determination of whether an injury arises out of and in the course of employment requires a two-prong analysis. (*LaTourette v. Workers' Comp. Appeals Bd.* (1998) 17 Cal.4th 644 [63 Cal.Comp.Cases 253].)

First, the injury must occur "in the course of employment," which ordinarily "refers to the time, place, and circumstances under which the injury occurs." (*LaTourette*, *supra*, 63 Cal.Comp.Cases at p. 256.) An employee is acting within "the course of employment" when "he does those reasonable things which his contract with his employment expressly or impliedly permits him to do." (*Id.*) In other words, if the employment places an applicant in a location and they were engaged in an activity reasonably attributable to employment or incidental thereto, an applicant will be in the course of employment and the injury may be industrially related. (*Western Greyhound Lines v. Industrial. Acc. Com.* (*Brooks*) (1964) 225 Cal.App.2d 517 [29 Cal.Comp.Cases 43].)

Second, the injury must "arise out of" the employment, "that is, occur by reason of a condition or incident of employment." (*Employers Mutual Liability Ins. Co. of Wisconsin v. Industrial Acc. Com.* (*Gideon*) (1953) 41 Cal.2d 676 [18 Cal.Comp.Cases 286].) "[T]he employment and the injury must be linked in some causal fashion," but such connection need not be the sole cause, it is sufficient if it is a "contributory cause." (*Maher v. Workers' Comp. Appeals Bd.* (1983) 33 Cal.3d 729 [48 Cal.Comp.Cases 326].) In *Argonaut Ins. Co. v. Workmen's Comp. App. Bd.*, the Court of Appeal reasoned that "where an employee is injured on his employer's premises as contemplated by his contract of employment, he is entitled to compensation for injuries received during reasonable and anticipatable use of the premises." (*Argonaut Ins. Co. v. Workmen's Comp. Appeals Bd*. (*Helm*) (1967) 247 Cal.App.2d 669, 677 [32 Cal.Comp.Cases 14].)

Defendant's stated position that when applicant was handcuffed during an investigation he was no longer in the course of employment is without merit and borders on frivolous. At a very basic level, applicant was on the premises, going through security on-site when he was stopped. He was then allowed to proceed to go on duty and begin work, then later questioned during his shift about the medication he had with him, and thereafter detained and handcuffed. This easily meets the requirement that injury was in the course of employment as he was on the premises during work hours participating with an employer-directed investigation.

The incident causing injury likewise arose out of employment and was incidental to employment. At the request of the employer operated task force, the "director," the chief of security, and other apparent supervisors or co-workers he was questioned and detained. (Minutes of Hearing/Summary of Evidence (MOH/SOE), 10/23/2025, 2:21-3:8.) He was then ordered to stay on duty despite asking to leave. (*Id.* at 3:7-8.) As he was attempting to leave, he was handcuffed and detained at the instruction of the chief of security. (*Id.* at 3:15-16.)

Thus, the injury occurred in the course of employment when he was detained by his employer during an investigation conducted by his employer. He would not have been in the position to be injured but for his employment, the alleged policies in place by the employer[4], and the conduct of his employer. More specifically, he was asked to put his hands behind his back to be handcuffed at the request of the chief of security, another employee of defendant, to which he complied. This is no different than a supervisor making any other demand on an employee and therefore arises out of employment.

While there was no official reprimand for alleged misconduct in this case, we note in *Westbrooks v. Workers' Comp. Appeals Bd*. (1988) 203 Cal.App.3d 249 [53 Cal.Comp.Cases 157], the Court of Appeals stated:

> Employee misconduct, whether negligent, willful, or even criminal, does not necessarily preclude recovery under workers' compensation law. In the absence of an applicable statutory defense, such misconduct will bar recovery only when it constitutes a deviation from the scope of employment. (See *Traub v. Board of Retirement* (1983) 34 Cal.3d 793, 799–800 [195 Cal.Rptr. 681]; *Wiseman v. Industrial Acc. Com*. (1956) 46 Cal.2d 570, 572–573 [297 P.2d 649]; *Associated Indem. Corp. v. Ind. Acc. Com*. (1941) 18 Cal.2d 40, 47 [112 P.2d 615]; Larson,Workmen's Compensation Law (1985) §§ 30.00, 35.00.) In determining whether particular misconduct takes an employee outside the scope of his employment, "A distinction must be made between an unauthorized departure from the course of employment and the performance of a duty in an unauthorized manner. Injury occurring during the course of the former conduct is not compensable. The latter conduct, while it may constitute serious and willful misconduct by the employee (Lab. Code, § 4551), does not take the employee outside the course of his employment." [Citations omitted.]

[4] Defense Exhibit B is the Probation Department Manual, designated pages 1 through 5 and pages 44 and 45. Pages 1 through 5 is general information and a table of contents. Pages 44 and 45 address the procedure for visitors attempting to carry in contraband, not staff members. It's not clear if defendant is trying to argue that Mr. Padilla was justified in his actions because he did not recognize applicant; this appears to be akin to a defense to a civil action and is irrelevant here as liability is "without regard to negligence." (Lab. Code, tit. 8, § 3660.) Notably, the WCJ ordered Exhibit B struck because although defendant only designated seven pages, Exhibit B is 783 pages. Defendant does not challenge this finding in the Petition for Reconsideration, and despite our comments, Exhibit B remains struck.

If the employment places an applicant in a location and they are doing an activity reasonably attributable to employment or incidental thereto, an applicant will be in the course of employment and the injury may be industrially related. (*Western Greyhound Lines v. Ind. Acc. Com. (Brooks)* (1964) 225 Cal.App.2d 517 [29 Cal.Comp.Cases 43].) Furthermore, it is well established that "[w]here an employee is in the performance of the duties of his employer, the fact that the injury was sustained while performing the duty in an unauthorized manner or in violation of instructions or rules of his employer does not make the injury one incurred outside the scope of employment." (*Williams v. Workers' Comp. Appeals Bd*. (1974) 41 Cal.App.3d 937 [39 Cal.Comp.Cases 619, 621].) Thus, an employee's transgression of rules, instructions, or established custom is within the sphere of the employment. (*Id*.) It is immaterial if the employee is engaging in an improper activity when suffering an injury. (*Wiseman v. Industrial Acci. Com.* (1956) 46 Cal.2d 570, 572.) "Even intentional or criminal misconduct that occurs within the course of one's employment and causes injury does not necessarily preclude recovering benefits." (*3 Stonedeggs, Inc. v. Workers' Comp. Appeals Bd.* (*Nanez*) (2024) 101 Cal.App.5th 1136, 1160)

In workers' compensation matters, the burden of proof rests on the party "holding the affirmative of the issue." (Lab, Code, § 5705.) Section 3202.5 provides that "[a]ll parties and lien claimants shall meet the evidentiary burden of proof on all issues by a preponderance of the evidence," (Lab. Code, § 3202.5.) Thus, applicant has the affirmative burden of proving that his injury arose out of and occurred in the course of employment (AOE/COE). However, it is defendant that carries the burden to prove the non-connection or deviation from duties. (*Rockwell International v. Workers' Comp. Appeals Bd.* (*Haylock*) (1981) 120 Cal.App.3d 291 [46 Cal.Comp.Cases 664]; *City of Los Angeles v. Workers' Comp. Appeals Bd.* (*Rivard*) (1981) 119 Cal.App.3d 633 [46 Cal.Comp.Cases 625]; *Pacific Tel. & Tel. Co. v. Workers' Comp. Appeals Bd*. (1980) 112 Cal.App.3d 241 [45 Cal. Comp. Cases 1127].)

We have given the WCJ's credibility determinations great weight because the WCJ had the opportunity to observe the demeanor of the witnesses. (*Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 318-319 [35 Cal.Comp.Cases 500].) Furthermore, we conclude there is no evidence of considerable substantiality that would warrant rejecting the WCJ's credibility determinations. (*Id*.)

Based on our review of the record, there is nothing in the record that remotely supports a non-compensable departure from employment on the part of applicant. Likewise, defendant

explicitly notes that they are *not* raising *any* affirmative defense to rebut a finding that the injury arose out of or occurred in the course of employment.

Accordingly, we deny the Petition for Reconsideration.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JANUARY 20, 2026

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

RICHARD RUIZ
STRAUSSNER SHERMAN
TOBIN LUCKS, LLP

TF/md

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

REPORT AND RECOMMENDATION
ON PETITION FOR RECONSIDERATION

I.

INTRODUCTION

That the injury sustained was not AOE/COE because the applicant was handcuffed as part of an investigation and, in addition, it is incorrect to state that the only basis for denial is the affirmative defense found in Labor Code section 3600(a)(8) felony.

II.

FACTS

The facts were stated in the Findings of Fact and Opinion dated 10/20/2025 that is the subject of defendant, County of Los Angeles', petition for reconsideration. Thus, they will be briefly summarized here. The applicant, Richard Ruiz, has been employed by defendant for over 30 years and was last assigned as a Supervising Detention Services Officer.

At trial, the applicant and defense witness, Mario Padilla testified. In addition, documentary evidence was introduced that included the AME reports of David Heskiaoff, MD (Court Exhibits X1 and X2) as well as Defendant's Exhibit A (denial letter for psyche) (Defendant's Exhibit B Probation Manual was stricken see Opinion at p. 3).

The AOE/COE dispute pertains to an incident at work on 2/18/2024 wherein the applicant was injured after being handcuffed for over an hour, detained and arrested as part of an investigation. The applicant testified that he was not feeling well but decided to go to work that day as they are understaffed. Defense witness, a less-experienced detention officer was assigned to intercept contraband coming into the facility and was not in uniform. Neither the applicant nor defense witness knew each other. The applicant was not wearing his uniform either when he entered the building.

The initial encounter involved defense witness questioning the applicant over a baggie that contained innocuous prescription and non-prescription cold medications that had fallen to the ground when the applicant was coming into work. As the applicant approached the X-ray machine to check in, defense witness questioned him about the bag and the applicant told him he had a cold. Defense witness told him that all prescription medications had to be authorized before bringing

the medications into the facility. Applicant testified that he was not aware of that policy. Defense witness was questioned by the Court regarding the purported written policy and the witness responded that he was verbally informed about it by Eric Strong.

There is a difference as to how the incident that day played out i.e. the applicant testified that he took the baggie to his car after defense witness showed it to him and defense witness testified that the applicant took it from him and he was stunned. The applicant testified that he continued working until defense witness detained the applicant to investigate with various supervisors primarily over the phone. The matter escalated. Ultimately, the applicant was arrested and given his *Miranda* rights and remained handcuffed for an hour and 20 minutes.

No charges were ever brought against the applicant. Applicant was taken to a hospital by a family member for treatment of the injury to his left elbow and shoulder. The AME confirmed that the mechanism of injury was consistent with being handcuffed for an hour and 20 minutes. Injury AOE/COE was found in this case

III.

DISCUSSION

A. DEFENDANT ASSERTS THAT THE INJURY THAT OCCURRED AS A RESULT OF BEING HANDCUFFED AS PART OF AN INVESTIGATION PLACES THE APPLICANT OUTSIDE THE COURSE OF HIS EMPLOYMENT

Defendant asserts that the injury is not AOE/COE because the applicant was not engaged in detention duties – rather the applicant was the detainee. However, the applicant did not engage in illegal activity – he was cleared and no charges were filed. Applicant was injured while being investigated for allegedly engaging in illegal activity. The investigation was part of his job and a *fortiori* industrial. The detention and arrest caused the applicant not to be able to perform his job, but that was because defendant initiated the investigation against the applicant. Defendant's arguments are circular.

The cases mentioned by defendant in their petition are not on point, i.e. *Griffith* pertains to an injured worker that died after disobeying an order to not sit in his truck at night; *Dimmig* involves a death while taking night classes and *Santa Rosa Junior College* involves an accident while grading papers at home. None of these cases involve the fact pattern here wherein a worker was injured during an investigation that did not result in any charges or actions taken against them.

But for the detention and arrest, the applicant would have continued working that day and was still AOE/COE during the questioning at his employer's request. Defendant asserts that the undersigned did not find a benefit to the employer. In this scenario, there was only detriment to the employer, i.e. the applicant was taken away from his work for unfounded reasons and injured as a result. The injury to the applicant's arm was AOE/COE.

B. THE DEFENDANT ASSERTS THAT THE ONLY BASIS FOR DENIAL WAS NOT A LABOR CODE SECTION 3600(a)(8) AFFIRMATIVE FELONY DEFENSE

At trial, the defendant asked his witness if the applicant was *Mirandized* before he was placed in handcuffs. Defendant mentions *Miranda* rights were given in their petition (Pet at 3:19-20) when he was handcuffed. The undersigned mentioned that the applicant did not commit a felony or wobbler offense *in dicta* – not in the Finding of Fact – to clarify the implication raised that this could have been a potential bar to recovery. However, that did not happen here as the applicant was engaged in his job while being investigated for potentially illegal activity that did not result in any charges against him. Defendants' conduct placed the applicant in the course of his employment

RECOMMENDATION

It is respectfully recommended that the Petition for Reconsideration be Denied.

Dated: November 20, 2025

Diane Bancroft

WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE