WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

SAMEER SOOD, *Applicant*

vs.

CITY OF SACRAMENTO, permissibly self-insured, *Defendants*

Adjudication Number: ADJ19756417
Sacramento District Office

OPINION AND ORDER GRANTING PETITION FOR RECONSIDERATION AND OPINION AND DECISION AFTER RECONSIDERATION

Defendant seeks reconsideration of the Findings of Fact (Findings) issued by the workers' compensation administrative law judge (WCJ) on January 16, 2026, which found in pertinent part that applicant sustained injury arising out of and in the course of employment to his right knee.

Defendant contends that (1) the trial judge acted without or in excess of his powers by concluding that applicant's employer should be responsible for an off-duty injury that happened while sparring at Granite Bay Jiu Jitsu, (2) the evidence does not justify a finding of fact that applicant subjectively believed he was required, or expected, to participate in Brazilian jiu jitsu exercises at the request of his employer, and (3) the evidence does not support the finding of fact that any such subjective belief, even if legitimately held, was objectively reasonable.

We did not receive an answer from applicant. The WCJ has prepared a Report and Recommendation on Petion for Reconsideration (Report), recommending that we deny reconsideration.

We have considered the contents of defendant's Petition, the WCJ's Report, and the record herein. For the reasons set forth below, we will grant reconsideration, rescind the January 16, 2026 Findings and substitute a new Findings that finds that the claim of injury is not barred by Labor Code section 3600(a)(9) and defers all other issues.

FACTS

The WCJ's Report sets forth the relevant facts as follows:

> Sameer Sood was employed by the City of Sacramento on August 10, 2024 as a police lieutenant. He claims to have sustained injury arising out of and in the course of employment to the right knee. The sole issue for trial on December 3, 2025 was injury arising out of, and in the course of employment to the right knee. All other issues remain deferred.
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> The Applicant has been a police lieutenant for the City of Sacramento since 2017 (*Minutes of Hearing, [November 19, 2025,] page 7, lines 4-5*).[1] While the Applicant's main duties included administrative duties such as scheduling, discipline, hiring new officers, and monitoring the 311 system, he also went into the field at least once a week (*Minutes of Hearing, page 6, lines 5-7*).[2] This included enforcement of illegal homeless encampments, as managers were asked to work more in the field *(Minutes of Hearing, page 6, lines 8-9)*.[3]
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> On August 10, 2024, the Applicant was not working his regular duty (*Minutes of Hearing, page 6, lines 13-14*).[4] While he was not responding to calls for service, he was on-call (*Minutes of Hearing, page 6, lines 14-15)*;[5] lieutenants were on-call all the time. On this day, he sustained an injury to his right knee while he was at jiu-jitsu training. The claim was denied by the City of Sacramento on August 28, 2024.
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> While the Applicant was not ordered to join Brazilian jiu-jitsu, there was no memo or other document telling the officers to join or attend a Brazilian jiu-jitsu gym, or a memo mandating jiu-jitsu, there was a one-day condensed form of training for managers, and jiu-jitsu was taught in the academy (*Minutes of Hearing, page 6, lines 24-25*).[6] All officers had to maintain POST (Peace Officer Standards and Training) certification (*Minutes of Hearing, page 7, lines 8-9*), and chapter 3 of the POST indicates that a police officer must be ready and physically capable of taking control of subjects (*Minutes of Hearing, page 11, lines 16-17*).[7] For captains and lieutenants, POST was not mandatory (*Minutes of Hearing, page 11, line 10*),[8] but POST recommended ACT as a perishable skill (Minutes of Hearing, page 7, line 10).[9]
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> Police lieutenants with the Sacramento Police Department were recommended to do training, but it was not required (*Minutes of Hearing, page 12, line 13*).[10] In fact, if a lieutenant or another officer was deemed not proficient, it was their

[1] Transcript, November 19, 2025, page 14, lines 7 ff.
[2] Transcript, page 15, lines 14-15, and page 16, lines 16-17.
[3] Transcript, page 14, line 25.
[4] Transcript, page 18, lines 3 ff.
[5] Transcript, page 35, lines 17 ff.
[6] Transcript, page 39, lines 3 ff.
[7] Transcript, page 59, line 21, to page 60, line 19.
[8] Transcript, page 66, lines 9 ff.
[9] Transcript, page 24, lines 3-5.
[10] Transcript, page 21, lines 10-14, and page 66, lines 9-14.

> duty to obtain training to become proficient (*Minutes of Hearing, page 12, lines 14-15*).[11] As such, in addition to the POST training that they were required to do for 24 hours every two years (*Minutes of Hearing, page 12, lines 13-14*),[12] the Applicant sought out additional training via Brazilian jiu-jitsu, and it was there that he sustained the injury to his right knee.

(Report, at pages 2-3.)

The only issue presented at trial herein was described as follows in the Minutes of Hearing: "Injury arising out of and in the course of employment to the right knee; whether Labor Code Section 3600(a)(9) is applicable." (Minutes of Hearing and Summary of Evidence, November 19, 2025, page 2, lines 20-21; Transcript, November 19, 2025, page 7, line 22, to page 8, line 8.) The parties also stipulated as follows: "Only issue is injury arising out of and in the course of employment - industrial causation." (Transcript, November 19, 2025, page 7, lines 13-21.)

No medical evidence was offered at trial.

DISCUSSION

I

Former Labor Code[13] section 5909 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.
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> (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.
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> (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

[11] Transcript, page 66, lines 15-19.
[12] Transcript, page 66, lines 9-14.
[13] Any further section references are to the California Labor Code unless otherwise noted.

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 February 20, 2026 and 60 days from the date of transmission is Tuesday, April 21, 2026. This decision is issued by or on Tuesday, April 21, 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 WCJ's report and recommendation shall be notice of transmission.

Here, according to the proof of service of the WCJ's report and recommendation, the report was served on February 20, 2026 and the case was transmitted to the Appeals Board on February 20, 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 February 20, 2026.

II

The WCJ's Report provides a correct analysis of section 3600(a)(9):

> As Defendant notes, injuries are generally excluded from workers' compensation if they arise from voluntary, off-duty, recreational, social, or athletic activities not constituting part of the employee's work duties. However, injuries are compensable if such activities are a "reasonable expectancy of, or are expressly or impliedly required by, employment." Cal. Lab. Code § 3600(a)(9).
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> With respect to the *reasonable expectancy of employment*, the Court in *Ezzy v. Workers' Comp. Appeals Bd.* (1983), 146 Cal. App. 3d 252, 260 established the two-prong test "… the test of "reasonable expectancy of employment" … consists of two elements: (1) whether the employee subjectively believes his or her participation in an activity is expected by the employer, and (2) whether that belief is objectively reasonable." The Applicant would need to establish

subjective belief, which is a question of fact, and whether the subjective belief was reasonable would be a question of law for the Court to decide.

Defendant notes that in *City of Stockton v. Workers' Comp. Appeals Bd.* (2006), 135 Cal. App. 4th 1513, 1524, "…general assertions that it would benefit the employer for, or even that the employer expects, an employee to stay in good physical condition are not sufficient to require workers' compensation for injuries suffered by the employee during any recreational or athletic activity in which the employee chooses to participate."

In *City of Stockton*, the Court notes that in *Taylor*, "the claimant was a police officer who was injured at a city-owned gymnasium while playing in a pickup game of basketball during his lunch hour." *Id.* at 1523. The Board in *Taylor* granted the Petition for Reconsideration because "belief was not "objectively reasonable" in light of general order No. P-24.4 and other evidence." *Taylor v. Workers' Comp. Appeals Bd.* (1988), 199 Cal. App. 3d 211, 215. P-24.4 is described in detail in the Court of Appeals decision, and these specific facts differentiate Taylor from this case. The First District Court of Appeals affirmed the decision of the Board in *Taylor*. *Id.* at 216.

A. APPLICANT HELD A SUBJECTIVE BELIEF THAT HIS PARTICIPATION IN BRAZILIAN JIU-JITSU WAS EXPECTED BY HIS EMPLOYER

The *Ezzy* test requires first that the Applicant established that he "subjectively believes his or her participation in an activity is expected by the employer" *Ezzy v. Workers' Comp. Appeals Bd.* (1983), 146 Cal. App. 3d 252, 260. In *Ezzy*, the Court found the Applicant "subjectively believed that her employer expected her to participate in the company sponsored baseball activities" because she was urged to play by one of the firm's partners, who was also the team coach. *Id.* at 263. The Court also ultimately found that her subjective belief was objectively reasonable. *Id.* at 264.

For captains and lieutenants, ACT training was not mandatory (*Minutes of Hearing, page 7, lines 1-2).*[14] Indeed, the Applicant had participated in ACT training in 2017, but didn't complete ACT training until 2022 (*Minutes of Hearing, page 7, lines 4-5*).[15] From 2020 to 2022, there was a one-day condensed form of training for managers, and jiu-jitsu was taught in the academy (*Minutes of Hearing, page 6, lines 24-25*).[16] All officers (including lieutenants and captains) had to maintain POST. Chapter 3 of the POST indicates that a police officer must be ready and physically capable of taking control of subjects (*Minutes of Hearing, page 11, lines 16-17*).[17]

POST recommended ACT (*Minutes of Hearing, page 7, lines 10-11*),[18] which explains why there was a one-day condensed form of training for managers. At

[14] Transcript, page 21, lines 10-14.
[15] Transcript, page 21, line 15, to page 22, line 9.
[16] Transcript, page 20, lines 8-13.
[17] Transcript, page 59, line 21, to page 60, line 19.
[18] Transcript, page 23, lines 15-21.

POST training, the officers needed to be proficient with control holds and take downs. Jiu-jitsu helped proficiency with control holds, locks and take downs as well as take down defense (*Minutes of Hearing, page 7, lines 22-24*).[19] As the lieutenants and captains were not required, but were recommended to be proficient, in these areas, the Applicant sought out additional training via Brazilian jiu-jitsu.[20]

Defendant argues that the Applicant did not have a subjective belief that doing Brazilian jiu-jitsu was required by the department in part relying on the fact that the CPT (Continued Professional Training) instructor who had encouraged students to consider additional training was a police officer and not a supervisor. Defendant also argues that the Applicant noted that he did not feel proficient in jiu jitsu and needed to see the training for himself.

Here, while there was no specific CPT requirement that officers and sergeants had to undergo, POST was required of all sworn officers, and lieutenants and captains were "highly recommended" to keep fit (*Minutes of Hearing, page 10, lines 15-16*).[21] Due to the lack of formal, regimented requirements, it was inferred that lieutenants and captains would need to seek out additional opportunities to remain physically fit, which could include Brazilian jiu-jistu, as this training worked on take down techniques.[22] The Applicant did not just have a desk job. He also went into the field at least once a week.[23] This included enforcement of illegal homeless encampments (*Minutes of Hearing, page 6, line 5)*,[24] as managers were asked to work more in the field (*Minutes of Hearing, page 6, line 9*).[25]

Compared with the officers and sergeants, because there were no formal requirements for CPT training for lieutenants and captains, the Court believes that the onus was then put on lieutenants and captains to seek out additional training in order to complete the *required* POST. POST required all police officers be ready and physically capable of taking control of subjects (*Minutes of Hearing, page 11, lines 6-17*).[26] As such, the Applicant sought out additional training via Brazilian jiu jitsu.

B. APPLICANT'S SUBJECTIVE BELIEF THAT HIS PARTICIPATION IN BRAZILIAN JIU JITSU WAS REASONABLY EXPECTED, AND HIS BELIEF WAS OBJECTIVELY REASONABLE.

The Court in *Young* noted that the focus of the legal standard to find that the Applicant's subjective belief must be objectively reasonable is "on the specific activity in which the employee was involved when the injury occurred." *Young v. Workers' Comp. Appeals Bd.* (2014), 227 Cal. App. 4th 472, 480. There must

[19] Transcript, page 29, lines 2-9.
[20] Transcript, page 33, line 23 , to page 35, line 1.
[21] Transcript, page 50, line 18, to page 51, line 5.
[22] Transcript, page 29, lines 2-8.
[23] Transcript, page 16, lines 16-18.
[24] Transcript, page 14, lines 22-25.
[25] Transcript, page 12, lines 5-16.
[26] Transcript, page 59, line 24, to page 60, line 19.

be a "*substantial nexus* between an employer's expectations or requirements and the *specific off-duty activity* in which the employee was engaged[; otherwise] the scope of coverage becomes virtually limitless and contrary to the legislative intent of [section 3600](a)(9)." (*Id*. at p. 1524, italics added.)" *Id.* at 480.

Specifically, in *Young*, the Applicant was injured at the gym while "doing his usual warm-up calisthenics, specifically jumping jacks, in anticipation of more demanding exercises with his elliptical and weight machines." *Young v. Workers' Comp. Appeals Bd. (2014),* 227 Cal. App. 4th 472, 476.

The Court finds that the facts of this case mirror the facts in *Young* in many respects. In *Young*, the Court found that it was "objectively reasonable for Sergeant Young to believe that the Department expected him to engage in an off-duty exercise regimen to maintain his physical fitness." *Id.* at 481. The Court found that the "Department does not provide correctional sergeants with an opportunity to exercise or maintain a fitness regimen during work hours; nor does the Department provide guidance as to the types of exercises or activities considered appropriate for maintaining the requisite level of fitness." *Id.*

In this case, lieutenants and captains did not undergo mandatory CPT training, and had no formal mandate to remain physically fit. However, lieutenants and captains had to undergo POST certification. POST required all police officers be ready and physically capable of taking control of subjects (*Minutes of Hearing, page 11, lines 16-17*).[27] Without any formal requirements to engage in CPT training, but also requiring lieutenants and captains to be certified in POST, it is reasonable to infer that lieutenants and captains would need to seek out additional training in order to maintain POST certification. Additionally, while there were no mandated requirements for physical fitness, Captain Ligon noted that the lieutenants and captains were *highly recommended* to keep fit as lieutenants and captains were required to complete 24 hours of POST mandated every two years, and they could attend CPT and ACT training (*Minutes of Hearing, page 10, lines 16-17*).[28]

Defendant argues that the Applicant was provided with the necessary training and did not seek additional training outside the City of Sacramento. Captain Ligon testified that if the officer was not comfortable with what they learned in the academy or field training or ACT training, the officer is able to reach out to request additional training (*Minutes of Hearing, page 13, lines 9-10*).[29] As lieutenants such as the Applicant had not only desk jobs but had to go out into the field and oversee use of force decisions, it is reasonable to believe that the required 4 hour training including some CPT training, even if successfully completed, was not sufficient for lieutenants and captains to engage in take downs and take down defense.

[27] Transcript, page 59, line 24, to page 60, line 19.
[28] Transcript, page 50, line 18, to page 51, line 5.
[29] Transcript, page 71, lines 3-9.

If Brazilian jiu-jitsu by a trainer was recommended, and there was a lack of clear guidelines for lieutenants and captains to maintain physical fitness (yet they had to maintain POST standards and perform job duties in the field), it is also reasonable that a lieutenant such as the Applicant would seek out additional training, outside of his job.

The Defendant also attempts to differentiate the facts of *D'Alessandro v. City of Menifee,* 2024 Cal. Wrk. Comp. P.D. LEXIS 468 with this case. In *D'Alessandro*, The Court ruled that it was "objectively reasonable that applicant subjectively believed continued training in jiu-jitsu was expected by the employer." *Id.* at 2. Defendant notes the following differences: the Applicant was a member/instructor of the City's tactics team, he was encouraged by his lieutenant to develop a variety of defensive tactics so they could collectively expand their current training program, and at a later date, plan a date to discuss the program. Finally, Defendant notes that in *D'Alessandro*, the Applicant was required to maintain physical fitness as evidenced by an email requesting that officers "stay in shape", "workout" and "look the part".

In this case, the Applicant went into the field at least once a week. His job also required review of use of force to determine whether the use of force was justified or not justified (*Minutes of Hearing, page 8, lines 5-6*).[30] Defendant maintains that Applicant had no requirement to maintain a certain level of physical fitness, nor was there any express or implied evidence to suggest Applicant needed to do so. Again, this is simply not true. While CPT was not required for lieutenants and captains, all sworn officers (including lieutenants and captains) need to be certified in POST, in which 24 hours every 2 years were required (*Minutes of Hearing, page 10, lines 15-16*).[31]

Captain Ligon also noted that while there were no requirements to remain fit, they were highly recommended to keep fit. This mirrors the language in *D'Alessandro*, where Applicant was required to maintain physical fitness as evidenced by an email *requesting* that officers "stay in shape", "workout" and "look the part".

Defendant argues that the Applicant did not need to engage in Brazilian jiu-jitsu exercises in order to make a determination regarding use of force. Defendant notes that Captain Ligon testified that the lieutenant would consider many factors in determining if there was a use of force, then forward to the officers' captain who would present the use of force at the monthly use of force meeting. Defendant argues that Applicant's participation in Brazilian jiu-jitsu was in excess of the requirements of his employment.

Finally, Defendant also noted that Captain Ligon testified that if Applicant had any questions about the techniques used by the officers during the use of force

[30] Transcript, page 31, line 19, to page 34, line 4.
[31] Transcript, page 50, lines 20-24.

incident, he would be able to reach out to academy staff to get their opinion and then to clarify what is being taught currently to the academy to the officers.

Applicant's testimony that he needed to look at a *totality of a situation*, the level of force and whether it was appropriate and within policy, suggests needing to undergo some training in order to review subordinates' use of force. Because there were no formal requirements for CPT training for lieutenants and captains, the Court believes that the onus was then put on lieutenants and captains to seek out additional training. Not only was the Applicant required to go out into the field at least once a week, he needed to review the use of force by his subordinates to make a recommendation to the captain.

While the Defendant argues that the captain would make the final decision in use of force determinations, it was implied that the use of force determination by the captain would weigh, at least in part, upon the recommendation of the lieutenant. It is also reasonable to infer that understanding use of force through personal training would help a lieutenant become proficient in reviewing his subordinates' use of force for a determination of whether the use of force was within department policy.

C. LIBERAL CONSTRUCTION AS MANDATED IN LABOR CODE SECTION 3202

Cal. Lab. Code § 3202 notes that "This division and Division 5 (commencing with Section 6300) shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment." While Labor Code § 3202 mandates a liberal construction of workers' compensation laws, this does not always require a finding of benefits for the Applicant. However, in this case, the Court finds that the Labor Code's liberal construction mandates that benefits be provided.

This case certainly presents some ambiguities. For example, the Applicant was not required to maintain physical fitness as a lieutenant, as lieutenants and captains were not required to undergo any physical fitness annual tests (*Minutes of Hearing, page 9, lines 11-12*).[32] However, as Captain Ligon testified, lieutenants and captains were "highly recommended to keep fit as lieutenants and captains were required to complete 24 hours of POST mandated every two years, and they could attend CPT and ACT training." (*Minutes of Hearing, page 10, lines 16-17*)[33]

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[32] Transcript, page 41, lines 18-20.

[33] The verbatim transcription of Captain Ligon's summarized testimony reads as follows:

> A. So there is no requirement for lieutenants to attend the ACT training, but it is highly recommended for two reasons. One, um, we are required to – lieutenants and above are required to have 24 hours of P.O.S.T. mandated courses, classes or training, um, every two years. And one way to get that is to attend CPT, which is our Continuous Professional Training, where a portion of that is the ACT training, which is a P.O.S.T. guideline, a mandate. So that does give you some of your hours for that two years.

(Transcript, page 50, line 20, to page 51, line 3.)

> Unlike officers and sergeants, who were required to maintain physical fitness and likely had more resources available to them to maintain physically fit, captains and lieutenants had no explicit requirements to maintain physical fitness, and as such, needed to seek out opportunities for more training. Captain Ligon's testimony that "If the officer was not comfortable with what they learned in the academy or field training or ACT training, the officer is able to reach out to request additional training" (*Minutes of Hearing, page 13, lines 9-10*)[34] suggests that the onus was then put on lieutenants and captains to seek out additional training**.**
>
> The Court believes that the Applicant had a subjective belief that seeking out Brazilian jiu jitsu training was a requirement and given the circumstances that the lieutenants and captains were highly recommended to remain physically fit, it was objectively reasonable that the Applicant would seek out Brazilian jiu jitsu.

(Report, pages 4-12.)

Although we are persuaded based on the WCJ's reasoning that applicant's claim is not barred by section 3600(a)(9), the current record lacks the requisite substantial medical evidence required to support the finding that applicant injured his right knee. Accordingly, we will find that section 3600(a)(9) does not bar applicant's claim.

Any decision of the Workers' Compensation Appeals Board must be based on admitted evidence and must be supported by substantial evidence (Lab. Code, §§ 5903, 5952(d); *Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc); *Lamb v. Workmen's Comp. Appeals Bd.* (1974) 11 Cal.3d 274, 281 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 317 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627, 635-637 [35 Cal.Comp.Cases 16]; *Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 620 (Appeals Board en banc).)

Applicant has the burden to prove the existence of an injury arising out of and in the course of employment, and except in those cases where a statutory presumption applies, that burden of proof must be met with substantial medical evidence. To qualify as substantial evidence, a physician's report must be framed in terms of reasonable medical probability, it must not be

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[34] The verbatim transcription of Captain Ligon's summarized testimony reads as follows:

> A. If at any time somebody feels that they are not comfortable with any of the things that they learned either in the academy or in field training or at CPT, um, or specifically in ACT, then they're able to reach out and request -- request additional training, and then time will be put together for them to meet with somebody that is trained to be able to provide that training for them.

(Transcript, page 71, lines 3-9.)

speculative, it must be based on pertinent facts and on an adequate examination and history, and it must set forth reasoning in support of its conclusions. (*Yeager Construction v. Workers' Comp. Appeals Bd. (Gatten)* (2006) 145 Cal.App.4th 922, 928 [71 Cal.Comp.Cases 1687], 145 Cal.App.4th 922, 928 [71 Cal.Comp.Cases 1687]; *Escobedo,* supra, 70 Cal.Comp.Cases 604, 621.)

In this case, there is no medical opinion in evidence, so augmentation of the record is appropriate and necessary.

Section 5904 dictates that a petitioner seeking reconsideration "shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which the reconsideration is sought other than those set forth in the petition for reconsideration."

Because defendant did not seek reconsideration of the WCJ's Findings on the grounds that medical evidence was lacking, that aspect of the WCJ's decision could be deemed waived under section 5904. Further, the language of the Petition suggests that defendant does not contest that applicant sustained a knee injury, and that the dispute is limited to whether that knee injury is excluded from compensability under section 3600(a)(9). For example, the Petition asserts that "[a]pplicant *sustained an injury to his right knee* at Granite Bay Jiu Jitsu while sparring during an open mat session." (Petition, page 2, lines 5-6 (emphasis added), citing Minutes of Hearing and Summary of Evidence, November 19, 2025, page 6, lines 12-13, corresponding to applicant's testimony shown in the Transcript at page 17, lines 22-24.) Elsewhere, the Petition argues whether the injury was compensable, and not whether it occurred:

> The Findings of Fact, and Opinion on Decision are based on a mischaracterization of the complete facts presented at Trial. The WCJ erred in finding that *the injury sustained on 8/10/*24 was compensable, as such a finding is not supported by the evidence presented at Trial. Applicant failed to provide evidence that he held a subjective belief that his participating in an open mat sparring session was somehow an expectation of his employer. Further, there was no evidence presented a Trial that would show any of those beliefs, even if truly held by Applicant, were objectively reasonable, as would be required for compensability under Labor Code § 3600.

(Petition, page 14, lines 4-10 (emphasis added).)

At trial, the parties stipulated that the "[o]nly issue is AOE/COE, industrial causation." (Transcript, November 19, 2025, page 7, lines 13-14.) In other words, the focus of the dispute is not on whether applicant was injured, but on whether that injury arose out of and in the course of employment (AOE/COE), and whether there is industrial causation of the injury.

Nevertheless, the nature and cause of injury are proper subjects for medical expert opinion, and the Appeals Board has a duty to further develop the record where there is insufficient evidence on an issue. (*McClune v. Workers' Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117, 1121-1122 [63 Cal.Comp.Cases 261].) The Appeals Board also has a constitutional mandate to "ensure substantial justice in all cases." (*Kuykendall v. Workers' Comp. Appeals Bd*. (2000) 79 Cal.App.4th 396, 403 [65 Cal.Comp.Cases 264].) The Appeals Board therefore may not leave matters undeveloped where it is clear that additional discovery is needed. (*Id*. at page 404.)

Accordingly, we grant reconsideration and rescind the Findings of Fact and substitute a new Findings of Fact that finds that the claim of injury is not barred by section 3600(a)(9) and defers all other issues. We make no other substantive changes.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Reconsideration of the January 16, 2026 Findings of Fact is **GRANTED**.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Findings of Fact is **RESCINDED** and the following is **SUBSTITUTED** therefor:

1. Sameer Sood, while employed on August 10, 2024, as a police lieutenant, occupational group No. 490, at Sacramento, California, by City of Sacramento, claims to have sustained injury arising out of and in the course of employment to the right knee.
2. Applicant's claim is not barred by Labor Code section 3600(a)(9).
3. All other issues are deferred.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

/s/ PAUL F. KELLY, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

APRIL 20, 2026

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

SAMEER SOOD
TRIBUIANO & YAMADA, LLP
LENAHAN, SLATER, PEARSE & MAJERNIK, LLP

CWF/*cs*

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