

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

SILAS CORRAL, *Applicant*

vs.

M AND O EDWARDS, INC.;
GUARD INSURANCE; administered by BERKSHIRE HATHAWAY, *Defendants*

**Adjudication Number: ADJ17085228
Pomona District Office**

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

Applicant's attorney seeks reconsideration of the Order Re: Sanctions (Order) of October 29, 2025, wherein the workers' compensation judge (WCJ) imposed sanctions on applicant's attorney, Alvandi Law Group.

Applicant's attorney contends that sanctions should not have been imposed against them.

We have not received an Answer from defendant. The WCJ prepared a Report and Recommendation on Petition for Reconsideration (Report), recommending that the Petition be denied.

We have considered the Petition for Reconsideration and the contents of the Report, and we have reviewed the record in this matter. For the reasons discussed below, we will grant the Petition for Reconsideration, rescind the Order, and return this matter to the WCJ for further proceedings.

FACTS

Applicant filed an initial Application for Adjudication ("Application") on December 20, 2022, claiming industrial injury to his back.

On July 26, 2023, applicant dismissed his prior attorney, substituted in the Alvandi Law Group as counsel, and filed an Amended Application for Adjudication (“First Amended Application”). In the First Amended Application, applicant claimed a cumulative injury from December 8, 2017, to February 6, 2020, to his back while working for defendant as a lead manager. Applicant named Berkshire Hathaway Pasadena as both the insurance carrier and the claims administrator in the First Amended Application and listed Gil Alvandi of Alvandi Law Newport Beach as the applicant’s attorney. (First Amended Application, pp. 2, 5.)

On August 15, 2025, cost petitioner Document Analyst Group filed a Petition for Reimbursement of Medical Legal Expenses and a Declaration of Readiness to Proceed (DOR) on the same date and set the matter for a status conference on September 18, 2025, at 8:30 am. The party filing was designated as “lien claimant.” Cost petitioner sought “reimbursement of non-IBR medical-legal issues with WCAB assistance.”

The status conference occurred on September 18, 2025. Applicant’s attorney did not appear. The WCJ noted on the minutes of hearing that no insurance carrier appeared on the original Application filed by applicant’s earlier attorney and that the third party adjuster (TPA) was listed as the insurance carrier on the First Amended Application.

On September 24, 2025, applicant’s attorney Alvandi Law group filed a new Application (“Second Amended Application”) replacing Guard Insurance Wilkes Barre as the insurance carrier with Berkshire Hathaway Pasadena remaining listed as the claims administrator. (Second Amended Application, p. 2.)

On October 1, 2025, the WCJ issued a Notice of Intention to Issue Sanctions (NIT) against Alvandi Law Group for the following reasons:

Applicant’s counsel did not appear at said hearing. Unfortunately, the failure to appear by applicant’s counsel caused the court not to be able to provide an answer to the employer’s question as to why ALVANDI LAW GROUP listed BERKSHIRE HATHAWAY as the insurance carrier when the employer indicated at the hearing his insurance carrier was GUARD. Likewise, the court was not able to advise the cost petitioner as to the correct defendant insurance carrier for payment. Unfortunately, this is not the first time that ALVANDI LAW has failed to appear before this court.

(NIT, p. 1.) The NIT further states: “NOTICE IS HEREBY GIVEN THAT an Order for sanctions in an amount up to \$750.00 shall issue against ALVANDI LAW GROUP for the failure to appear and failure to list the correct insurance carrier.” (NIT, p. 1.) The NIT provided notice that an Order

for sanctions would issue absent timely written objection showing good cause within 20 days.¹ (NIT, pp. 1-2.)

On October 15, 2025, Alvandi Law Group filed an Objection to Notice of Intention to Issue Sanctions (Objection), stating that their office had not been served with the DOR, that there were two other companion cases and one contained the correct carrier and TPA information; that an attorney from their office joined the courtroom as soon as the WCJ contacted them but the matter had already been taken off calendar; that the application had been amended to reflect the correct carrier and TPA; and apologizing for the error. (Objection, pp. 1-2.) Alvandi Law Group requested that the NIT be withdrawn. (Objection, p. 2.)

On October 29, 2025, the WCJ issued the Order, ordering sanctions in the amount of \$750.00 against the Alvandi Law Group for the following reasons:

1. While the court appreciates the apology and contriteness, unfortunately this is not the first time that ALVANDI LAW GROUP has not appeared. As mentioned in the Notice of Intent, ALVANDI LAW GROUP did not appear in a different matter (ADJ12379674 LEONEL ESTUPINAN) set before the undersigned resulting in a Sanctions Order which still remains unpaid.
2. The response indicates that the office did not receive the DOR (Objection pg.2:8) However, it is the Notice of Hearing that would have advised of the hearing date, not the DOR. EAMS shows service of the Notice of Hearing on their office on August 18, 2025, by US Mail. (See screen shot attachment from EAMS)

(Order, p. 1.)

Alvandi Law Group filed their Petition for Reconsideration of this Order on November 21, 2025.

¹ The WCJ also issued a Notice of Intention to Issue Sanctions on October 1, 2025, against applicant's initial law firm and attorney for misrepresenting on the initial Application that the employer was uninsured. That attorney and law firm filed an Objection to Notice of Intention to Issue Sanctions on October 16, 2025. On October 29, 2025, the WCJ issued an order that no further action be taken against the prior law firm and attorney and did not order sanctions against them. We do not disturb that order, but we do note that the prior firm was substituted out, so that the WCJ no longer had personal jurisdiction over them in this case. However, by responding to the NIT, they waived their objection to the lack of personal jurisdiction.

DISCUSSION

I.

Former Labor Code² 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.

(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 December 3, 2025, and 60 days from the date of transmission is Sunday, February 1, 2026. The next business day that is 60 days from the date of transmission is Monday, February 2, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)³ This decision is issued by or on Monday, February 2, 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

² All further statutory references are to the Labor Code unless otherwise noted.

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 December 3, 2025, and the case was transmitted to the Appeals Board on December 3, 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 December 3, 2025.

II.

WCAB Rule 10752 states in pertinent part that:

(a) Each applicant and defendant shall appear or have an attorney or non-attorney representative appear at all hearings *pertaining to the case in chief*. Neither a lien conference nor a lien trial is a hearing pertaining to the case in chief.

(e) Any appearance required by this rule may be excused by the Workers' Compensation Appeals Board. *Any appearance not required by this rule may be ordered by the Workers' Compensation Appeals Board.*

(Cal. Code Regs., tit. 8, § 10752(a)(e), emphasis added.)

Thus, applicant or their attorney is only required to appear at hearings with respect to the case in chief. Any hearings concerning lien claims or cost petitions are not hearings with respect to the case in chief. If the WCJ wished for applicant or their attorney to appear, she was required to specifically order them to appear. Here, the WCJ did not order applicant or their attorney to appear, so no appearance was required.

WCAB Rule 10786 states in pertinent part that:

(b) . . . *a medical-legal provider may file and serve a petition for reimbursement of medical-legal expenses and a Declaration of Readiness to Proceed. . . .*

(c) Upon receipt of a Declaration of Readiness in accordance with the provisions of subdivisions (a) and (b) of this rule, the matter shall be set for either a status

conference or a mandatory settlement conference, in the discretion of the workers' compensation judge.

(Cal. Code Regs., tit. 8, § 10786(b)(c), emphasis added.)

Thus, a cost petitioner may file a petition for reimbursement of medical-legal expenses and request a status conference. Here, cost petitioner properly filed their petition and their DOR requesting a status conference.

WCAB Rule 10873 states in pertinent part that:

(a) *A lien conference shall be set when any party files a Declaration of Readiness to Proceed* in accordance with rule 10742 *on any issue(s) relating to lien claim other than in the case in chief*, or by the Workers' Compensation Appeals Board on its own motion at any time.

(b) When a party files and serves a Declaration of Readiness to Proceed on an issue relating to a lien claim *other than in the case in chief*, the party shall designate on the Declaration of Readiness to Proceed form that it is requesting a lien conference and shall not designate any other kind of conference. If a status conference or any other type of conference is requested or is set on the calendar, that status conference or other type of conference shall be deemed a lien conference and shall be governed by any and all rules applying to a lien conference.

(Cal. Code Regs., tit. 8, § 10873(a)(b), emphasis added.)

Thus, any conference not regarding the case in chief is a lien conference.

WCAB Rule 10875 states in pertinent part that:

(a) *All defendants and lien claimants shall appear at all lien conferences*, either in person or by attorney or non-attorney representative. . . .

(Cal. Code Regs., tit. 8, § 10875(a), emphasis added.)

Thus, when cost petitioner filed the DOR and the Petition for Reimbursement regarding medical-legal costs, it was not a hearing on the case in chief, and applicant and / or their attorney was not required to attend.

Section 5813 authorizes the WCJ to impose sanctions, attorney's fees, and costs for "bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (Lab. Code, § 5813(a).) The order of sanctions can be made "after written application by the party

seeking sanctions or upon the appeal board's own motion.” (Lab. Code, § 5813(b).) In order for the WCJ to impose sanctions and costs, the alleged offending party or attorney must be given notice and an opportunity to be heard. (Cal. Code Regs., tit. 8, § 10421(a); see also Cal. Code Regs., tit. 8, § 10832(a)(3).) Bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay include actions or tactics that result from a willful failure to comply with a statutory or regulatory obligation, that result from a willful intent to disrupt or delay the proceedings of the Workers' Compensation Appeals Board, or that are done for an improper motive or are indisputably without merit. (Cal. Code Regs., tit. 8, § 10421(b).) One example of such conduct includes: “Failure to appear or appearing late at a conference or trial where a reasonable excuse is not offered or the offending party has demonstrated a pattern of such conduct.” (Cal. Code Regs., tit. 8, § 10421(b)(1).)

Here, as explained above, applicant and/or their attorney were not required to attend the lien conference. Hence, one of the bases for the NIT, the alleged failure to appear, was legally incorrect rendering the NIT void. Because the NIT is void, the Order is void, and we will rescind it.

We observe that the WCJ's NIT and the Order present other structural problems as well, as the WCJ did not specifically identify the offending party by name. Further, the language of the NIT identifies behavior that is allegedly frivolous, yet the Order identifies other behavior. This is improper as the NIT must specifically identify the offending behavior, and sanctions may only be imposed for the identified behavior.

The statutory and regulatory duties of a WCJ include the issuance of a decision that complies with section 5313. “The Labor Code and the Board's rules set forth what must be included in a proper trial record. It is the responsibility of the parties and the WCJ to ensure that the record of the proceedings contains at a minimum, the issues submitted for decision, the admissions and stipulations of the parties, and the admitted evidence.” (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 475 (Appeals Bd. en banc) (*Hamilton*).) The WCJ's opinion on decision “enables the parties, and the Board if reconsideration is sought, to ascertain the basis for the decision, and makes the right of seeking reconsideration more meaningful.” (*Id.* at p. 476, citing *Evans v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 753, 755 [33 Cal.Comp.Cases 350].) “For the opinion on decision to be meaningful, the WCJ must refer with specificity to an adequate and completely developed record.” (*Hamilton, supra*, 66 Cal.Comp.Cases at p. 476.)

All parties to a workers' compensation proceeding retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) "Due process requires notice and a meaningful opportunity to present evidence in regards to the issues." (*Rea v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 625, 643 [70 Cal.Comp.Cases 312]; see also *Fortich v. Workers' Comp. Appeals Bd.* (1991) 233 Cal.App.3d 1449, 1452-1454 [56 Cal.Comp.Cases 537].) A fair hearing includes, but is not limited to, the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (See *Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker, supra*, at pp. 157-158 citing *Kaiser Co. v. Industrial Acci. Com. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].)

In the Objection, applicant's attorney offered an explanation;⁴ however, the WCJ declined to hold a hearing. As a matter of due process, applicant's attorney should have been provided with a hearing, and a record should have been created. Moreover, there is no evidence of a pattern of such conduct, as no evidence has been admitted to the record. However, as explained above, the NIT was void, and the Order based on the NIT was void, so that no further proceedings are necessary.

Accordingly, we grant the Petition for Reconsideration and rescind the Order issued on October 29, 2025.

⁴ Additionally, it was not solely the applicant attorney's responsibility to correctly identify the insurance carrier. In *Coldiron v. Compuware Corp.* (2002) 67 Cal.Comp.Cases 289, 290 (Appeals Bd. en banc) ("*Coldiron I*"), the Appeals Board held that "where an employer's liability for workers' compensation benefits is adjusted by a third-party administrator, the administrator must disclose to the Workers' Compensation Appeals Board, to the other parties in any proceeding in which it is a party, and to its own counsel the identity of its client, whether a self-insured employer or insurance carrier." (*Coldiron I, supra*, at p. 290; see also *Coldiron v. Compuware Corp.* (2002) 67 Cal.Comp.Cases 1466, 1470 (Appeals Bd. en banc) ("*Coldiron II*").) Further, the Appeals Board recently clarified the *Coldiron* cases by holding that it is ultimately the defendant's responsibility to correctly name the insurance carrier. "The burden to ascertain the identity of the entity liable for payment cannot be placed on the injured worker; the information is more readily available to a defendant, and the disclosure responsibility must lie with defendant." (*DiFusco v. Hands On Spa* (2025) 90 Cal.Comp.Cases 1007, 1017 (Appeals Bd. en banc).) An Application for Adjudication can also be amended to conform to proof. (Cal. Code Regs., tit. 8, § 10517.) Therefore, the burden was on the defendant to provide the correct information regarding the identity of their insurance carrier and the Application for Adjudication could have been amended to conform to that information.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the October 29, 2025 Order Re: Sanctions is **GRANTED**.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, the October 29, 2025 Order Re: Sanctions is **RESCINDED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 2, 2026

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

**SILAS CORRAL
ALVANDI LAW
PATRICK CHRISTOFF LAW**

JMR/pm

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