

WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

THELMA BROWN THOMPSON, *Applicant*

vs.

**CALIFORNIA DEPARTMENT OF CORRECTIONS,
CALIFORNIA HEALTH CARE FACILITY;
STATE COMPENSATION INSURANCE FUND, *Defendants***

Adjudication Number: ADJ12006252
Los Angeles District Office

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Applicant, in pro per, sought reopening and reconsideration of the Findings and Award (F&A) by the workers' compensation administrative law judge (WCJ), which issued on September 19, 2025. By the F&A, as relevant here, the WCJ found that applicant sustained an injury arising out of and in the course of employment to her circulatory system, chest, and digestive system, but applicant did not sustain an injury arising out of and in the course of employment to her psyche.

Applicant contends the WCJ erred by not finding applicant sustained injury arising out of and in the course of employment of her psyche.

We received an Answer from defendant. The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition be denied.

We have considered the allegations of the Petition for Reconsideration and the Answer and the contents of the reports of the WCJ with respect thereto. Based on our review of the record we will dismiss the Petition for Reconsideration as it was not timely filed and thus, we do not have jurisdiction to consider it. However, if we were able to consider the Petition for Reconsideration on the merits, we would otherwise deny the Petition for the reasons discussed in the WCJ's Report.

DISCUSSION

I.

Former Labor Code 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, Labor Code 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 Labor Code 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 15, 2025, and 60 days from the date of transmission is February 13, 2026. This decision is issued by or on February 13, 2026, so that we have timely acted on the petition as required by Labor Code section 5909(a).

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 15, 2025, and the case was transmitted to the Appeals Board on December 15, 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 Labor Code section 5909(b)(1) because service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on December 15, 2025.

II.

There are 25 days allowed within which to file a petition for reconsideration from a “final” decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(a)(1), former 10507(a)(1).) This time limit is extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10600, former 10508.) To be timely, however, a petition for reconsideration must be filed (i.e., received) within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10940(a), former 10845(a); 10615(a), former 10392(a).)

This time limit is jurisdictional and, therefore, the Appeals Board has no authority to act upon or consider an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal. App. 4th 1068, 1076 [65 Cal. Comp. Cases 650, 656]; *Rymer v. Hagler* (1989) 211 Cal. App. 3d 1171; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal. App. 3d 979, 984 [46 Cal. Comp. Cases 1008, 1011]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal. App. 2d 545, 549 [27 Cal. Comp. Cases 73, 75–76].)

Here, the F&A was served on September 19, 2025 to official addresses of record all located within California. Based on the authority cited above, applicant had 25 days, or until Tuesday, October 14, 2025, to file a timely petition for reconsideration of the WCJ’s F&A. The Petition for Reconsideration was received by the Los Angeles WCAB district office on December 5, 2025, which is untimely at 77 days after the F&A was served. Thus, the Appeals Board does not have jurisdiction to hear the Petition for Reconsideration.

However, even if the Petition for Reconsideration had been timely and we were to decide the matter on the merits, we would have denied it based upon the WCJ’s analysis contained in the Report.

Similarly, to the extent we treat applicant’s Petition to Reopen as a Petition for Reconsideration, it would also be untimely because it was received by the Los Angeles WCAB district office on November 7, 2025, which is 49 days after the F&A was served. Consequently, the Appeals Board would not have jurisdiction to hear the Petition. Even had the Petition been filed timely, it would have been denied for the same reasons detailed above.

Accordingly, we dismiss applicant’s Petition for Reconsideration as untimely.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Findings and Award issued by the WCJ on September 19, 2025 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 9, 2026

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

**THELMA BROWN THOMPSON
STATE COMPENSATION INSURANCE FUND**

DC/cs

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