WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

VERONICA BAEZA, *Applicant*

vs.

COUNTY OF LOS ANGELES;
permissibly self-insured, administered by SEDGWICK CMS, *Defendants*

Adjudication Number: ADJ10598932
Van Nuys District Office

OPINION AND ORDER GRANTING PETITION FOR RECONSIDERATION

Applicant seeks reconsideration of the Findings and Award issued by the workers' compensation administrative law judge (WCJ) on June 25, 2026. Therein, the WCJ found that applicant sustained admitted injury arising out of and occurring in the course of employment (AOE/COE) to the cervical spine, lumbar spine, GERD, and psyche while employed as a sheriff deputy during the period from October 3, 2007 through September 7, 2016. The WCJ further found that the injury herein caused 58% permanent disability and need for further medical treatment.

Applicant contends that the WCJ should have relied on medical and vocational evidence, the catastrophic nature of applicant's injury, and the holding in *LeBoeuf v. Workers' Comp. Appeals Bd*. (1983) 34 Cal.3d 234 [48 Cal.Comp.Cases 587] to find a higher level of permanent disability.

Defendant filed an Answer. The WCJ issued a Report and Recommendation of Workers' Compensation Administrative Law Judge on Petition for Reconsideration (Report) recommending that the petition be denied.

We have considered the Petition for Reconsideration, the Answer, and the contents of the Report, and we have reviewed the record in this matter. Based upon our preliminary review of the record, we will grant the Petition for Reconsideration. Our order granting the Petition for Reconsideration is not a final order, and we will order that a final decision after reconsideration is

deferred pending further review of the merits of the Petition for Reconsideration and further consideration of the entire record in light of the applicable statutory and decisional law. Once a final decision after reconsideration is issued by the Appeals Board, any aggrieved person may timely seek a writ of review pursuant to Labor Code[1] section 5950 et seq.

I.

Petitions for reconsideration filed on or after July 14, 2026 are subject to section 5909, which states 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.
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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 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 July 29, 2026 and 60 days from the date of transmission is Sunday, September 27, 2026. The next business day that is 60 days from the date of transmission is Monday, September 28, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)[2] This decision is issued by or on Monday, September 28, 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

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[1] All further statutory references are to the Labor Code, unless otherwise noted.

[2] 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.

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 Report shall be notice of transmission.

Here, according to the proof of service for the Report, the Report was served on July 29, 2026, and the case was transmitted to the Appeals Board on July 29, 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 July 29, 2026.

II.

The WCJ provided the following discussion in the Report:

REPORT AND RECOMMENDATION OF WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE ON PETITION FOR RECONSIDERATION

II. FACTS

Petitioner was a sheriff deputy for the County of Los Angeles who sustained a cumulative trauma from October 3, 2007, through September 7, 2016 to the cervical spine, lumbar spine, GERD, and psyche. (Summary of Evidence dated 3/4/26 at p. 2: 12-15.)

The parties stipulated to string ratings of the medical reports of orthopedic AME Steven Silbart MD, psyche AME Lawrence Moss MD, and internal PQME James Sherman MD. The two remaining issues were whether Petitioner was eligible for permanent disability for her psyche injury and whether Petitioner had rebutted the PDRS through vocational evidence.

The undersigned found that the injury caused permanent disability of 58%, that Petitioner was not eligible for permanent disability for her psyche injury, and that Petitioner did not rebut the PDRS through vocational evidence. Petitioner timely filed a Petition for Reconsideration. Petitioner contends that the evidence does not justify the findings of fact. The undersigned recommends that the Petition for Reconsideration be denied.

III. DISCUSSION

A. Applicant did not successfully rebut the PDRS though VR evidence.

Petitioner did not successfully rebut the PDRS through vocational evidence. Permanent Disability (PD) is rated under Labor Code section 4660.1. Pursuant to Labor Code section 4660.1(d), the PDRS is prima facie evidence of the percentage of PD to be attributed to each injury covered by the schedule. While the PDRS is prima facie evidence of the PD rating, it can be rebutted through a number of methods, among them proving that the employee is not amenable to vocational rehabilitation through the use of vocational evidence. (*Ogilvie v. WCAB* (2011) 197 Cal. App. 4th 1262.) A vocational rehabilitation report can only be relied on if it is found to be substantial evidence. (*Buhman v. Borders Group*, 2019 Cal. Wrk. Comp. P.D. LEXIS 476; *Stephens v. Cox Enterprises, Inc.*, 2019 Cal. Wrk. Comp. P.D. LEXIS 402.)

Petitioner attempted to rebut the PDRS by offering two vocational rehabilitation reports of Paul Broadus dated 4/15/21 and 1/30/25 respectively. Defendant offered the vocational rehabilitation report of Howard Goldfarb dated 4/8/22 as rebuttal vocational evidence.

Mr. Broadus' reporting is not substantial evidence. He fails to note why Petitioner would only qualify for sedentary work under the restrictions placed by Agreed Medical Examiners Dr. Steven Silbart and Dr. Lawrence Moss; he does not explore or explain why Petitioner would not also qualify for semi-sedentary work. (See Exhibit 2 at p. 8-12.) In addition, Mr. Broadus did not perform any vocational testing because Petitioner "has significant education and work experience," including clerical work at the Los Angeles County Sheriff's Office and the Los Angeles Superior Court. (Exhibit 2 at p. 8.) Yet while Mr. Broadus identified several potential jobs for Petitioner using her transferrable skills, he failed to demonstrate exactly why none of those were viable positions for Petitioner based on the actual work restrictions the AMEs provided. (See Exhibit 2 at p. 8-12.) Moreover, relying on the fact that orthopedic AME Dr. Silbart gave Petitioner a 3% pain add-on and psyche AME Dr. Moss diagnosed her with "somatic symptom disorder with predominant pain," Mr. Broadus improperly relied on the effect of pain on Petitioner's activities of daily living (ADLs) to form his opinion that Petitioner was not amenable to vocational rehabilitation. (Exhibit 2 at p. 13.) In doing so, Mr. Broadus alludes to "studies" regarding the effect of "pain and fatigue" on work performance as the basis for his opinion that Petitioner is not amenable to vocational rehabilitation; however, Mr. Broadus fails to cite those studies upon which he relied. (Exhibit 2 at p. 13.) More importantly, by relying on those studies instead of actually applying the work restrictions provided by the AMEs in this case, Mr. Broadus made a conclusory opinion that Petitioner was not employable in the open labor market because she "would not be able to maintain a regular schedule on any job or keep up with the work demands required by employers." (Exhibit 2 at p. 13.) That is not a restriction placed on her by any of the relevant physicians in this case. Therefore, Mr. Broadus' improperly ignored the AMEs'

work restrictions in forming his opinion that Petitioner is not amenable to vocational rehabilitation.

Petitioner alleges that the undersigned failed to consider her testimony with respect to her physical limitations and symptoms of daily chronic pain, fatigue, and sleep loss due to her injury. However, Petitioner's testimony regarding her symptoms and limitations did not veer from those set out in the reporting of her VR expert Paul Broadus. (Exhibit 2 at p. 4.) Nevertheless, the reason Petitioner failed to rebut the PDRS is because Mr. Broadus disregarded the work restrictions provided by the AMEs and failed to demonstrate why none of the potential jobs identified in the transferable skills analysis were viable positions for Petitioner based on her actual work restrictions. Regardless of Petitioner's testimony regarding the effect of her pain, the relevant AMEs gave her specific work restrictions, and Mr. Broadus did not use those work restrictions to reach his conclusions.

Petitioner analogizes this case to *Freeman v. The Hertz Corp.*, a recent a WCAB panel decision in which the WCAB ruled that the employee was 100% permanently disabled after the workers' compensation judge had rejected the opinions of the employee's VR expert – who had found that she was not amenable to vocational rehabilitation – and instead found that the employee was 51% PD based on the PQME and Defendant's vocational expert who had found that vocational rehabilitation was feasible. (*Freeman v. The Hertz Corp.*, 2026 Cal. Wrk. Comp. P.D. LEXIS 80 (*Freeman*).) In *Freeman*, however, the defense VR expert Lisa Suhono's reports were not substantial evidence because her conclusion relied on speculation. Mr. Suhono extrapolated that the employee's inability to work was based on a lack of desire and effort given the fact that she had retired, thereby relying on speculation to shape her opinion that the employee was a candidate for rehabilitation. Here, the opposite is true. Unlike *Freeman*, Applicant's VR expert Paul Broadus is relying on speculation to find that Petitioner is not a candidate for rehabilitation. Again, Mr. Broadus made a conclusory opinion that Petitioner was not employable in the open labor market because she "would not be able to maintain a regular schedule on any job or keep up with the work demands required by employers." (Exhibit 2 at p. 13.) That is not a restriction placed on her by any of the relevant physicians in this case. Akin to the defense VR expert in *Freeman*, whose reports were not found to be substantial evidence, Mr. Broadus' improperly relied on uncited studies to form his opinions while disregarding the AMEs' work restrictions.

As such, the undersigned found that the vocational reporting of Paul Broadus is not substantial evidence. Therefore, Petitioner failed to rebut the PDRS.

B. Applicant did not Sustain a "Catastrophic" Injury

Labor Code section 4660.1 establishes how PD is rated by determining the percentages of PD. Pursuant to Labor Code section 4660.1(c), there is no increase in impairment ratings for a psychiatric disorder arising out of a compensable

physical injury. One exception to the preclusion of an increase in impairment rating for a psyche disorder arising out of a compensable physical injury is when an employee sustains a "catastrophic" injury, "including, but not limited to, loss of a limb, paralysis, severe burn, or severe head injury." (Lab. Code § 4660.1(c)(2)(B).)

The determination of whether an injury is "catastrophic" under Labor Code section 4660.1(c)(2)(B) is a fact-driven inquiry that requires consideration of relevant factors including, but not limited to: (1) the intensity and seriousness of treatment received by the employee; (2) the ultimate outcome once the employee is permanent and stationary; (3) the severity of the physical injury and its impact on the employee's ability to perform ADLs; (4) whether the physical injury is closely analogous to one of those specified in the statute (loss of a limb, paralysis, severe burn or severe head injury); and (5) if the physical injury is an incurable and progressive disease. (*Wilson v. State of CA Cal Fire* (2019) 84 Cal. Comp. Cases 393, 413-415 (*Wilson*).)

In *Wilson*, a firefighter battled a wildfire for several hours and inhaled smoke and fumes because he was not wearing a breathing apparatus. (*Wilson, supra*, 84 Cal Comp. Cases 393 at p. 395.) He presented to the hospital with a plethora of symptoms involving several body parts and was placed in a medically induced coma, suffering tremors and both renal and respiratory failure. (*Id.* at p. 395-396, 415-416.) He was intubated, placed on oxygen for an extended period, and remained in the hospital for approximately two weeks before being discharged. (*Ibid*.) The PQME found that the PTSD was caused by the physical injury, and that the psychological injury was a catastrophic injury. (*Id.* at p. 398-399.) The WCAB held that the employee's injury was catastrophic because it was serious and life-threatening, it caused a combined PD rating of 66 percent, the employee continued to suffer from the effects of his injury that substantially affected his ability to perform ADLs, and the injury was essentially career-ending for the applicant, who was only [] years old at the time of injury. (*Id.* at p. 393, 395-401.)

Petitioner argues that the undersigned failed to consider factors 1 through 3 and factor 5 that are identified in *Wilson*. With respect to factor 1, the undersigned acknowledges that that there was intense and serious treatment received by Petitioner in the form of a back surgery. With respect to factor 2, the ultimate outcome once Petitioner was declared permanent and stationary is subjective. According to orthopedic AME Dr. Silbart, Petitioner did not have a failed back surgery; in fact, her symptoms *improved* after the surgery. (See Exhibit J1 at p. 12: 12-22.) From a work perspective, Applicant was given orthopedic work restrictions of light duty and a lifting restriction of 10-15 pounds with a psyche restriction of no patrol duty with no other restrictions. (Exhibit J1 at p. 7-8; Exhibit J8 at p. 32.) While Petitioner's VR expert improperly concluded that she would not be amenable to vocational rehabilitation, defense VR expert Howard Goldfarb identified numerous occupations that were feasible for Petitioner by applying the work restrictions prescribed by the AMEs. Accordingly, the overall outcome after being declared permanent and stationary was not found by the undersigned to be

"catastrophic" in nature. With respect to factor 3, the physical injury has had some impact on her ability to perform ADLs, such as running, lifting weights, hiking, and hosting gatherings at her house. (Minutes of Hearing and Summary of Evidence dated 4/27/26 at p. 2: 22-25.) Although psyche AME Dr. Lawrence Moss noted that "her sex life has come to an end" as of April 2, 2019, we know that is inaccurate from Petitioner's testimony. (Exhibit J8 at p. 32.) Petitioner acknowledged that she became pregnant around September 2025 and Petitioner successfully gave birth to her child because she testified at trial that she is post-partum and breastfeeding. (See Minutes of Hearing and Summary of Evidence dated 4/27/26 at p. 4: 12-18.) Petitioner is also able to shop at Costco, go grocery shopping, wash dishes, cook, do laundry, and bathe and dress herself. (Exhibit A at p. 8.) Therefore, the injury did not have a "catastrophic" effect on her ADLs. While Petitioner alleges that factor 5 was not taken into account, the undersigned addressed it by finding that her physical injury was not an incurable and progressive disease.

In her Petition for Reconsideration, Petitioner failed to acknowledge any of the issues raised in the Opinion on Decision that formed the basis for the conclusion that Petitioner did not sustain a catastrophic injury. Here, unlike the employee in *Wilson*, the injury in this case was never life-threatening for Petitioner. Moreover, the cumulative trauma to the lumbar and cervical spine is not an "incurable and progressive disease." Additionally, the physical injury here is not even remotely analogous to one of those specified in the Labor Code section 4660.1(c)(2)(B) (loss of a limb, paralysis, severe burn or severe head injury), nor is it comparable in any realm to the physical injury sustained by the employee in *Wilson*. In fact, none of the AMEs in this case even believed that a diversion from the PDRS by adding PD was warranted. In fact, Petitioner specifically deposed both orthopedic AME Dr. Silbart and psyche AME Dr. Moss to try to persuade them to add impairments as opposed to combining them, but both physicians found that adding the impairments was unwarranted this case. (Exhibit J1 at p. 21-22; Exhibit J7 at p. 14: 6-10.) Hence, on balance, the undersigned found that Petitioner did not sustain a "catastrophic" injury.

RECOMMENDATION

The undersigned respectfully recommends that the Petition for Reconsideration filed on July 20, 2026 be denied.

(Report, at pp. 1-5)

III.

We highlight the following legal principles that may be relevant to our review of this matter:

Section 4660 provides that permanent disability is determined by consideration of whole person impairment within the four corners of the AMA Guides, as applied by the Permanent Disability Rating Schedule (PDRS) in light of the medical record and the effect of the injury on

the worker's future earning capacity. (*Brodie v. Workers' Comp. Appeals Bd.* (2007) 40 Cal.4th 1313, 1321 [72 Cal.Comp.Cases 565] ["permanent disability payments are intended to compensate workers for both physical loss and the loss of some or all of their future earning capacity"]; *Department of Corrections & Rehabilitation v. Workers' Comp. Appeals Bd. (Fitzpatrick)* (2018) 27 Cal.App.5th 607, 614 [83 Cal.Comp.Cases 1680] (*Fitzpatrick*); *Milpitas Unified School Dist. v. Workers' Comp. Appeals Bd. (Guzman)* (2010) 187 Cal.App.4th 808 [75 Cal.Comp.Cases 837] (*Guzman*).)

However, the scheduled rating is not absolute. (*Fitzpatrick, supra*, at pp. 619-620.) A rating obtained pursuant to the PDRS may be rebutted by showing an applicant's diminished future earning capacity is greater than that reflected in the PDRS. (*Ogilvie v. Workers' Comp. Appeals Bd.* (2011) 197 Cal.App.4th 1262 [76 Cal.Comp.Cases 624] (*Ogilvie*); *Contra Costa County v. Workers' Comp. Appeals Bd. (Dahl)* (2015) 240 Cal.App.4th 746 [80 Cal.Comp.Cases 1119] (*Dahl*).) In analyzing the issue of whether and how the PDRS could be rebutted, the Court of Appeal has observed:

> Another way the cases have long recognized that a scheduled rating has been effectively rebutted is when the injury to the employee impairs his or her rehabilitation, and for that reason, the employee's diminished future earning capacity is greater than reflected in the employee's scheduled rating. This is the rule expressed in LeBoeuf v. Workers' Comp. Appeals Bd. (1983) 34 Cal. 3d 234 [193 Cal.Rptr. 547, 666 P.2d 989]. In *LeBoeuf*, an injured worker sought to demonstrate that, due to the residual effects of his work-related injuries, he could not be retrained for suitable meaningful employment. (*Id*. at pp. 237-238.) Our Supreme Court concluded that it was error to preclude LeBoeuf from making such a showing, and held that "the fact that an injured employee is precluded from the option of receiving rehabilitation benefits should also be taken into account in the assessment of an injured employee's permanent disability rating."
>
> (*Ogilvie, supra*, at p. 1274.)

Thus, "an employee may challenge the presumptive scheduled percentage of permanent disability prescribed to an injury by showing a factual error in the calculation of a factor in the rating formula or application of the formula, the omission of medical complications aggravating the employee's disability in preparation of the rating schedule, or by demonstrating that due to industrial injury the employee is not amenable to rehabilitation and therefore has suffered a greater loss of future earning capacity than reflected in the scheduled rating.' (*Ogilvie, supra*, at p. 1277.)

Moreover, it is well established that decisions by 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, supra*; *LeVesque v. Workmen's Comp. Appeals Bd*. (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) "The term 'substantial evidence' means evidence which, if true, has probative force on the issues. It is more than a mere scintilla, and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion … It must be reasonable in nature, credible, and of solid value." (*Braewood Convalescent Hosp. v. Workers' Comp. Appeals Bd. (Bolton)* (1983) 34 Cal.3d 159, 164 [48 Cal.Comp.Cases 566], emphasis removed and citations omitted.) To constitute substantial evidence "… a medical opinion must be framed in terms of reasonable medical probability, it must not be 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." (*Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 621 (Appeals Board en banc).)

Here, it appears from our preliminary review that the record may not be complete regarding the issue of permanent disability. Taking into account the statutory time constraints for acting on the petition, and based upon our initial review of the record, we believe reconsideration must be granted to allow sufficient opportunity to further study the factual and legal issues in this case. We believe that this action is necessary to give us a complete understanding of the record and to enable us to issue a just and reasoned decision. Reconsideration is therefore granted for this purpose and for such further proceedings as we may hereafter determine to be appropriate.

IV.

In addition, under our broad grant of authority, our jurisdiction over this matter is continuing.

A grant of reconsideration has the effect of causing "the whole subject matter [to be] reopened for further consideration and determination" (*Great Western Power Co. v. Industrial Acc. Com*. (*Savercool*) (1923) 191 Cal.724, 729 [10 I.A.C. 322]) and of "[throwing] the entire record open for review." (*State Comp. Ins. Fund v. Industrial Acc. Com*. (*George*) (1954) 125 Cal.App.2d 201, 203 [19 Cal.Comp.Cases 98].) Thus, once reconsideration has been granted, the Appeals Board has the full power to make new and different findings on issues presented for determination at the trial level, even with respect to issues not raised in the petition for reconsideration before it. (See Lab. Code, §§ 5907, 5908, 5908.5; see also *Gonzales v. Industrial*

Acci. *Com*. (1958) 50 Cal.2d 360, 364.) ["[t]here is no provision in chapter 7, dealing with proceedings for reconsideration and judicial review, limiting the time within which the commission may make its decision on reconsideration, and in the absence of a statutory authority limitation none will be implied."]; see generally Lab. Code, § 5803 ["The WCAB has continuing jurisdiction over its orders, decisions, and awards. . . . At any time, upon notice and after an opportunity to be heard is given to the parties in interest, the appeals board may rescind, alter, or amend any order, decision, or award, good cause appearing therefor.].)

"The WCAB . . . is a constitutional court; hence, its final decisions are given res judicata effect." (*Azadigian v. Workers' Comp. Appeals Bd*. (1992) 7 Cal.App.4th 372, 374 [57 Cal.Comp.Cases 391; see *Dow Chemical Co. v. Workmen's Comp. App. Bd*. (1967) 67 Cal.2d 483, 491 [32 Cal.Comp.Cases 431]; *Dakins v. Board of Pension Commissioners* (1982) 134 Cal.App.3d 374, 381 [184 Cal.Rptr. 576]; *Solari v. Atlas-Universal Service, Inc.* (1963) 215 Cal.App.2d 587, 593 [30 Cal.Rptr. 407].) A "final" order has been defined as one that either "determines any substantive right or liability of those involved in the case" (*Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1180; *Safeway Stores, Inc. v. Workers' Comp*. *Appeals Bd.* (*Pointer*) (1980) 104 Cal.App.3d 528, 534-535 [45 Cal.Comp.Cases 410]; *Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd*. (*Kramer*) (1978) 82 Cal.App.3d 39, 45 [43 Cal.Comp.Cases 661]), or determines a "threshold" issue that is fundamental to the claim for benefits. Interlocutory procedural or evidentiary decisions, entered in the midst of the workers' compensation proceedings, are not considered "final" orders. (*Maranian v. Workers' Comp*. *Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1070, 1075 [65 Cal.Comp.Cases 650].) ["interim orders, which do not decide a threshold issue, such as intermediate procedural or evidentiary decisions, are not 'final' "]; *Rymer, supra,* at p. 1180 ["[t]he term ['final'] does not include intermediate procedural orders or discovery orders"]; *Kramer, supra*, at p. 45 ["[t]he term ['final'] does not include intermediate procedural orders"].)

Section 5901 states in relevant part that:

> No cause of action arising out of any final order, decision or award made and filed by the appeals board or a workers' compensation judge shall accrue in any court to any person until and unless the appeals board on its own motion sets aside the final order, decision, or award and removes the proceeding to itself or if the person files a petition for reconsideration, and the reconsideration is granted or denied. …

Thus, this is not a final decision on the merits of the Petition for Reconsideration, and we will order that issuance of the final decision after reconsideration is deferred. Once a final decision

is issued by the Appeals Board, any aggrieved person may timely seek a writ of review pursuant to sections 5950 et seq.

V.

Accordingly, we grant applicant's Petition for Reconsideration, and order that a final decision after reconsideration is deferred pending further review of the merits of the Petition for Reconsideration and further consideration of the entire record in light of the applicable statutory and decisional law. ***While this matter is pending before the Appeals Board, we encourage the parties to participate in the Appeals Board's voluntary mediation program. Inquiries as to the use of our mediation program can be addressed*** **to WCABmediation@dir.ca.gov**.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED that a final decision after reconsideration is **DEFERRED** pending further review of the merits of the Petition for Reconsideration and further consideration of the entire record in light of the applicable statutory and decisional law.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ LISA A. SUSSMAN, DEPUTY COMMISSIONER

KATHERINE WILLIAMS DODD, COMMISSIONER
CONCURRING NOT SIGNING

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

SEPTEMBER 28, 2026

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

VERONICA BAEZA
LEWIS, MARENSTEIN, WICKE, SHERWIN & LEE, LLP
ENGLAND, PONTICELLO & ST. CLAIR

PAG/cm

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