

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

**SHAHROOZ BIGONAH, *Applicant***

**vs.**

**STATE OF CALIFORNIA IHSS, legally uninsured,  
administered by INTERCARE HOLDINGS INSURANCE SERVICES, INC., *Defendants***

**Adjudication Numbers: ADJ11722162; ADJ12080963  
Van Nuys District Office**

**OPINION AND ORDER DISMISSING  
PETITION FOR RECONSIDERATION**

Applicant seeks reconsideration of an April 9, 2024 Joint Findings Order (F&O) wherein a workers' compensation administrative law judge (WCJ) ordered a take nothing after determining that applicant failed to meet his burden of proof in establishing two injuries: an April 5, 2018 injury arising out of and/or in the course of employment (AOE/COE) to the neck, bilateral shoulders, back, right arm, bilateral hands, bilateral feet, sinuses, and arthritis and a cumulative trauma through July 24, 2018 to the neck, back, bilateral shoulders, bilateral wrists, bilateral legs, nervous system, and psyche.

Applicant filed a form Petition for Reconsideration (Petition) that contained no information except that the Petition indicated that documentation was attached. However, no attachments were attached or located in the record.

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

We have considered the Petition, the Answer, and the Report, and have reviewed the record in this matter. Based upon our review of the record, and for the reasons discussed below, we will dismiss applicant's Petition.

Labor Code section 5902 sets forth the guidelines for filing a Petition for Reconsideration. It states, in relevant part, that a Petition must "set forth specifically and in full detail the grounds

upon which the petition considers the final order, decision, or award” to be “unjust or unlawful” and “every issue to be considered by the appeals board.” The Workers’ Compensation Appeals Board Rules provide further clarification. Pursuant to WCAB Rule 10945, “Every petition for reconsideration ... shall fairly state all the material evidence relative to the point or points at issue [and] [e]ach contention contained in a petition for reconsideration ... shall be separately stated and clearly set forth.” (Cal. Code Regs., tit. 8, § 10945).

Absent inclusion of the above information, “a petition for reconsideration ... may be denied or dismissed if it is unsupported by specific references to the record and to the principles of law involved.” (Cal. Code Regs., tit. 8, § 10972.) In accordance with section 5902 and WCAB Rules 10945 and 10972, the Appeals Board may dismiss or deny a petition for reconsideration if it is skeletal (e.g., *Cal. Indemnity Ins. Co. v. Workers’ Comp. Appeals Bd.* (2004) 69 Cal.Comp.Cases 104 (writ den.); *Hall v. Workers’ Comp. Appeals Bd.* (1984) 49 Cal.Comp.Cases 253 (writ den.); *Green v. Workers’ Comp. Appeals Bd.* (1980) 45 Cal.Comp.Cases 564 (writ den.)); if it fails to fairly state all of the material evidence, including that not favorable to it (e.g., *Addecco Employment Services v. Workers’ Comp. Appeals Bd.* (2005) 70 Cal.Comp.Cases 1331 (writ den.); *City of Torrance v. Workers’ Comp. Appeals Bd.* (Moore) (2002) 67 Cal.Comp.Cases 948 (writ den.); or if it fails to specifically discuss the particular portion(s) of the record that support the petitioner’s contentions (e.g., *Moore, supra*, 67 Cal.Comp.Cases at p. 948; *Shelton v. Workers’ Comp. Appeals Bd.* (1995) 60 Cal.Comp.Cases 70 (writ den.).)

In the instant case, applicant’s Petition is skeletal and fails to state the grounds upon which reconsideration is sought and fails to cite with specificity to the record. In the absence of this necessary information, we are unable to evaluate applicant’s contentions. As such, the Petition for Reconsideration is dismissed.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Reconsideration of the April 9, 2024 Joint Findings and Order is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**I CONCUR,**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**KATHERINE A. ZALEWSKI, CHAIR**  
**CONCURRING NOT SIGNING**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**JULY 1, 2024**

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

**SHAHROOZ BIGONAH  
EQUITABLE LAW  
COLANTONI, COLLINS, MARREN, PHILLIPS & TULK**

**RL/cs**

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

**REPORT AND RECOMMENDATION**  
**ON PETITION FOR RECONSIDERATION**

**I**

**INTRODUCTION**

- |    |                                    |   |
|----|------------------------------------|---|
| 1. | Order                              | 04/09/2024  |
| 2. | Identity of Petitioner             | Applicant   |
| 3. | Verification                       | Yes   |
| 4. | Timeliness                         | Petition is timely  |
| 5. | Petition for Reconsideration Filed | 04/19/2024  |
| 6. | Petitioner's Contentions:          |   |
|    | a.                                 | By the order, decision or award made and filed by the Workers' Compensation Administrative Law Judge, the WCJ acted without or in excess of its powers; |
|    | b.                                 | The order, decision, or award was procured by fraud;  |
|    | c.                                 | The evidence does not justify the findings of fact;   |
|    | d.                                 | Petitioner has discovered new evidence material to him which he could not with reasonable diligence have discovered and produced at the hearing; and    |
|    | e.                                 | The findings of fact do not support the order, decision or award.   |

This matter was submitted for decision on February 6, 2024. Findings and Orders issued and were served by mail on April 9, 2024.

Applicant in *pro per* filed a timely verified Petition for Reconsideration of the Findings and Orders. However, in its entirety, Applicant's Petition consists of an unedited copy of DWC/WCAB Form 45, with the added sentence, "PLEASE SEE ATTACHED DOCUMENT". Petitioner makes no other argument or reference to the decision or trial record. The only attached page is the form verification, which appears to be signed by the applicant. The Court has duly searched its records and delayed its report in order to ensure that nothing was inadvertently missed. The Court submits that the Petition as filed in EAMS constitutes the entirety of what has been received by the Court.

8 C.C.R. §10972 on "Skeletal Petitions" provides:

"A petition for reconsideration, removal or disqualification may be denied or dismissed if it is unsupported by specific references to the record and to the principles of law involved.

Applicant's Petition is skeletal. The Petition makes no references to the record. Applicant has simply submitted Form 45 as drafted, without explication.

II

**RECOMMENDATION**

For the reasons stated above, it is respectfully recommended that applicant's Petition for Reconsideration be DISMISSED pursuant to 8 C.C.R. §1 0972.

DATE: 5/8/2024

**Adam D. Graff**

WORKERS' COMPENSATION  
ADMINISTRATIVE LAW JUDGE