

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

ALICIA RODRIGUEZ, *Applicant*

vs.

**DYNAMIC EDGE CONSULTING; TRAVELERS PROPERTY CASUALTY
COMPANY OF AMERICA, *Defendant***

**Adjudication Number: ADJ10884813
Los Angeles District Office**

**OPINION AND ORDER
DENYING PETITION FOR
RECONSIDERATION**

Applicant seeks reconsideration of the Opinion and Order Granting Reconsideration (O & O) issued by the Workers' Compensation Appeals Board in this matter on February 18, 2025.

In that O & O, the Appeals Board granted defendant's Petition for Reconsideration (Petition), advised that the Order granting the Petition was not a final order, and that a final decision after reconsideration is deferred pending further review of the merits of the Petition for Reconsideration and of the entire record in light of the applicable statutory and decisional law. We further advised that 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 section 5950¹ et seq.

Petitioner alleges that the defendant's petition must be dismissed as it was filed late, and thus the Appeals Board lacks jurisdiction to grant further review of such petition.

We have received an Answer from defendant.

We have considered the Petition for Reconsideration, and the defendant's answer in this matter.

Based upon our review of the record, and for the reasons stated below, we will deny reconsideration.

¹ All further references are to the Labor Code unless otherwise stated.

I.

Former 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 March 10, 2025 and 60 days from the date of transmission is May 9, 2025.

This decision is issued by or on May 9, 2025, so that we have timely acted on the petition as required by Labor Code 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 Report and Recommendation shall be notice of transmission.

Here, we did not receive a Report and Recommendation by a workers’ compensation administrative law judge, and no other notice to the parties of the transmission of the case to the Appeals Board was provided by the district office. Thus, we conclude that the parties were not provided with the notice of transmission required by Labor Code section 5909(b)(1). While this failure to provide notice does not alter the time for the Appeals Board to act on the petition, we

note that as a result the parties did not have notice of the commencement of the 60-day period on March 10, 2025.

II.

On December 11, 2024, defendant Travelers filed their Petition for Reconsideration of the Findings and Award (F&A) issued and served by the workers' compensation administrative law judge (WCJ) at the Los Angeles district office.

A petition for reconsideration must be filed and received by the Appeals Board within twenty days of the service of the final order (plus an additional 10 calendar days if service of the decision is by any method other than personal service, including by mail, upon an address outside of California but within the United States. (Labor Code § 5903; Cal. Code Regs., tit. 8, § 10605(a)(2).) The F&A issued by the WCJ was served on November 12, 2024.

Defendant Travelers' and their legal counsel's official addresses of record are outside of California, but within the United States. Therefore the time for filing the Petition is extended by 10 days in order to ensure due process to all the served parties. (See *Mayfield v. Walmart, Inc.*, 2022 Cal.Wrk.Comp. P.D. LEXIS 120.) As such, the parties had until December 12, 2024, or thirty days from the date of service of the final order to file the petition.

As such, we conclude that the defendant's Petition was timely filed.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Opinion and Order Granting Reconsideration issued by the Workers' Compensation Appeals Board on February 18, 2025 is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

May 9, 2025

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

**ALICIA RODRIGUEZ
SOLOV & TEITELL APC
WOOLFORD & ASSOCIATES**

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