

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

ALISHER SULIEMANOV¹, *Applicant*

vs.

**PIZZA HUT,
PIZZA HUT, SOUTHERN CALIFORNIA PIZZA CO.
DBA PIZZA HUT;
ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Number: ADJ17464637
Marina del Rey District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On June 10, 2025, a workers' compensation administrative law judge (WCJ) executed an order approving a compromise and release (OACR) and designated service to defendant.

On June 23, 2025, defendant served the OACR, so that the effective date of issue of the OACR is June 23, 2025.

On July 11, 2025, defendant timely filed a Petition for Reconsideration.

On July 14, 2025, the WCJ rescinded the OACR and separately issued an amended OACR.

On July 18, 2025, defendant filed a request to withdraw the Petition for Reconsideration.

On July 29, 2025, defendant filed another request to withdraw the Petition for Reconsideration.

On September 5, 2025, the WCJ issued a Report and Recommendation (Report), recommending that we grant reconsideration and transmitted the case to the Appeals Board.

WCAB Rule 10961 (Cal. Code Regs., tit. 8, § 10961) provides that jurisdiction remains with the district office for 15 days after the timely filing of a petition for reconsideration and sets

¹ Applicant is identified in EAMS as Alisher Suliemanov, but the Compromise and Release identifies her as Alisher Suleimanov. Pursuant to our recent en banc opinion in *DiFusco v. Hands On Spa et al* (2025) 90 Cal.Comp.Cases __, and WCAB Rules 10390 and 10400 (Cal. Code Regs., tit. 8, §§ 10390, 10400(b)(1)), applicant's attorney must ensure that the error is corrected forthwith.

forth three actions that a WCJ may take in response: (a) The WCJ may prepare a report and transfer jurisdiction to the Appeals Board to address the merits of the petition (Cal. Code Regs., tit. 8, § 10961(a); see Cal. Code Regs., tit. 8, § 10962); (b) The WCJ may rescind the entire order, decision or award and initiate proceedings within 30 days (Cal. Code Regs., tit. 8, § 10961(b)); or (c) The WCJ may rescind the order, decision or award and issue an amended order, decision or award, and a new petition for reconsideration must be filed in response to the amended order, decision or award (Cal. Code Regs., tit. 8, § 10961(c)).

When a WCJ issues an order rescinding or amending pursuant to subdivision (b) or (c) within the 15-day period, the original order, decision or award no longer exists. The Appeals Board need not act upon the petition for reconsideration, and it is presumed to be moot. The purpose of the 15-day period in WCAB 10961 is to allow the WCJ time to respond to the petition for reconsideration. In contrast, if the WCJ does not issue an order rescinding or amending the original order, decision or award during the 15-day period, the Appeals Board must act on the petition for reconsideration even if the WCJ determines that the original order, decision or award should have been amended or rescinded.

Allowing the WCJ this opportunity to rescind or amend the order reduces overall delay and allows the matter to proceed without the need for Appeals Board action. The rights of any aggrieved parties are protected because they may then seek reconsideration of any new or amended order, decision or award by the WCJ.

Here, three days after the filing of the Petition for Reconsideration, the WCJ chose to rescind the OACR and then issued an amended OACR. Thus, pursuant to subdivision (c), no further action was necessary because the disputed order was timely rescinded within the 15-day period and no longer exists.

Then, while not required under these circumstances, defendant filed two separate requests to withdraw the Petition for Reconsideration. *Defendant is commended for their efforts to bring this matter to a resolution.*

Nonetheless, despite the fact that there is no action for the Appeals Board to take, the WCJ prepared a Report and transmitted the case to the Appeals Board on September 5, 2025.

Accordingly, so that the record is clear, we dismiss the Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 28, 2025

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

**ALISHER SULEIMANOV
ALVANDI LAW GROUP, P.C.
SIEGEL, MORENO & STETTLER, APC**

AS/mc

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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