

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

CARLOS NAVIA, *Applicant*

vs.

**BRAD'S RESTAURANT;
NATIONAL CASUALTY COMPANY, administered by
ILLINOIS MIDWEST INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ18181493
Santa Barbara District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

We have considered the allegations of the Petition for Reconsideration and the contents of the Report of the workers' compensation administrative law judge (WCJ) with respect thereto. Based on our review of the record, the petition is untimely and must be dismissed.

There are 25 days allowed within which to file a petition for reconsideration from a "final" decision that has been served by mail, fax, or email upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(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.) To be timely, however, a petition for reconsideration must be filed with (i.e., received by) the WCAB within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, § 10940(a); § 10615(b).) In addition, a Petition for Reconsideration filed via EAMS¹ is deemed filed on the date received by the Appeals Board if it is received prior to 5:00 p.m. on a court day. (Cal. Code Regs., tit. 8, § 10615(b).) Any Petition for Reconsideration "received after 5:00 p.m. of a court day shall be deemed filed as of the next court day." (Cal. Code Regs., tit. 8, § 10615(b).)

¹ EAMS is an acronym for Electronic Adjudication Management System, a computerized system used by the Division of Workers' Compensation (DWC) to store and maintain Appeals Board electronic case files. (See Cal. Code Regs., tit. 8, §§ 10269(p), 10215 et seq.)

This time limit is jurisdictional and, therefore, the Appeals Board has no authority to consider or act upon an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1076 [65 Cal.Comp.Cases 650]; *Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1182; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984 [46 Cal.Comp.Cases 1008]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal.App.2d 545, 549 [27 Cal.Comp.Cases 73].)

In this case, the WCJ's decision was served on July 11, 2025. Based on the authority cited above, petitioner had until Tuesday, August 5, 2025 to file a timely petition. EAMS reflects that defendant filed the Petition for Reconsideration on August 5, 2025 at "18:32" (i.e., 6:32 p.m.). Therefore, it was deemed untimely filed on August 6, 2025 and will be dismissed.

If the petition had been timely, we would have denied it on the merits for the reasons stated in the WCJ's Report.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 14, 2025

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

**CARLOS NAVIA
CALLEN JOHNSON
LAW OFFICES OF BRADFORD & BARTHEL
EMPLOYMENT DEVELOPMENT DEPARTMENT**

PAG/abs

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