

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

EFREN SIFUENTES NAVA, *Applicant*

vs.

**SAN CARLOS ROOFING COMPANY;
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ13227834
Oakland District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Defendant, SCIF, has filed a petition for removal from the order to serve medical records upon a cost petitioner issued on December 2, 2024, by the workers' compensation administrative law judge (WCJ).

Defendant contends that order is improper for various reasons.

We have not received an answer from cost petitioner. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we dismiss removal because defendant filed an objection to the order, which included a self-destruct clause upon the filing of such an objection.

We have considered the allegations of the Petition for Removal and the contents of the WCJ's Report. Based on our review of the record and for the reasons discussed in the WCJ's Report, we will dismiss the Petition for Removal as moot.

Here, the petition for removal challenges the December 2, 2024 order. However, by the very terms of that order it was to be set for hearing upon receipt of a timely objection. There is presently no order from which removal can be sought.

We would further note that it is permissible, and perhaps in cases like these encouraged, for the WCJ to issue a formal order rescinding an offending order and to set the matter for hearing upon receiving a petition for removal. (Cal. Code Regs., tit. 8, § 10955(d).)

A workers' compensation judge may, within 15 days of the filing of the petition for removal, rescind the order or decision in issue, or take action to resolve the issue raised in the petition. If the workers' compensation judge so acts, or if the petitioner withdraws the petition at any time, the petition for removal will be deemed automatically dismissed, requiring no further action by the Appeals Board. The issuance of a new order or decision, or the occurrence of a new action, will recommence the time period for filing a petition for removal as described above.

(Ibid.)

Drafting an order of rescission promotes judicial economy as such orders would likely take less time to draft than a report and recommendation on removal. Such orders also conserve the limited resources of the Appeals Board to respond to such petitions.

Accordingly, we dismiss the Petition for Removal as moot.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Removal from order to serve medical records upon a cost petitioner issued on December 2, 2024, by the WCJ is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ PAUL F. KELLY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

OCTOBER 10, 2025

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

**EFREN SIFUENTES NAVA
OTUS LAW GROUP
STATE COMPENSATION INSURANCE FUND**

EDL/mt

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