

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

**ELCAR GALINDO, *Applicant***

**vs.**

**JOBSOURCE COMMERCE INC., illegally uninsured;  
PRECISION WIRE PRODUCTS, INC.;  
TRAVELERS PROPERTY CASUALTY CO OF AMERICA, *Defendants***

**Adjudication Number: ADJ18606422**

**Pomona 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, and for the reasons stated in the WCJ's Report, which we adopt and incorporate, we will dismiss the Petition.

Former Labor Code 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, Labor Code 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 Labor Code 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 January 14, 2025 and 60 days from the date of transmission is Saturday, March 15, 2025. The next business day that is 60 days from the date of transmission, is Monday, March 17, 2025. (See Cal. Code Regs., tit. 8, § 10600(b).)<sup>1</sup> This decision is issued by or on Monday, March 17, 2025, so that we have timely acted on the petition as required by Labor Code section 5909(a).

Labor Code 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. Labor Code section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers’ compensation administrative law judge, the Report was served on January 14, 2025, and the case was transmitted to the Appeals Board on January 14, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that the parties were provided with the notice of transmission required by Labor Code section 5909(b)(1) because service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on January 14, 2025.

Accordingly, we dismiss the Petition for Reconsideration. Upon return, as recommended in the Report, the WCJ can set a hearing and address the Petition as one to set aside.

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<sup>1</sup> WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers' Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

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/ JOSEPH V. CAPURRO, COMMISSIONER**

**/s/ CRAIG SNELLINGS, COMMISSIONER**



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

**March 5, 2025**

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

**SPECTRUM MEDICAL GROUP, INC., LIEN CLAIMANT  
CHRIS MATTHEW GROUP  
AZIZ AND ASSOCIATES**

**AS/mc**

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

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

**I**

**INTRODUCTION**

1. Applicant's Occupation: Welder
2. Applicant's Age: 49  
Date of Injury: October 18, 2023  
Parts of Body Injured: Rt Arm, Rt Shoulder
3. Identity of Petitioner: SPECTRUM MEDICAL GROUP–Lien Claimant
4. Timeliness: Timely
5. Verification: Verified
6. Date of Issuance of Findings and Order: December 19, 2024
7. Petitioner's Contentions:
  - a. WCJ erred in Approving the Compromise and Release.
8. An objection has been filed by Defendant, Jobsource Commerce, Inc.

## **II**

### **FACTS**

On December 19, 2024, the Applicant, Applicant's Representative, Defendant attorney for Jobsource, and an interpreter appeared on a walk-through basis to have the Compromise and Release approved. The parties had certified checks in hand and informed the court that there were no liens. Consequently, after review for form and adequacy, the compromise and release was approved.

The Compromise and Release was executed by the uninsured employer, Jobsource Commerce, [I]inc, and Travelers insurance for Precision Wire Products Inc. However, the entire amount of the C&R, \$30,000.00, was funded by Jobsource.

Paragraph 8 of the C&R has language that Travelers is not responsible for any liens. This language is the subject of the Petition for Reconsideration.

## **III**

### **DISCUSSION**

The Petition for Reconsideration appears to be premature. Since there is nothing in the record regarding Lien Claimant's assertions in its Petition for Reconsideration, and to ensure all parties are provided with due process, it is recommended that the matter be returned to the trial level to develop the record or amend the C&R as needed. The Petition for Reconsideration is more appropriately a petition to set aside the settlement and should be treated as such. A hearing on the matter is necessary to frame issues and make a record before if the issue cannot be resolved informally.

**IV**  
**RECOMMENDATION**

It is respectfully recommended that the Lien Claimant's Petition for Reconsideration be Dismissed as premature and treated as a petition to set aside the compromise and release and the matter returned to the trial Judge for further action.

DATE: January 14, 2025

**Charles Bentley**  
WORKERS' COMPENSATION JUDGE