

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

IVONNE RIPOLLE, *Applicant*

vs.

COUNTY OF FRESNO, permissibly self-insured, administered by AIMS, *Defendants*

**Adjudication Number: ADJ18578807
Fresno District Office**

**OPINION AND ORDER
DISMISSING PETITION
FOR REMOVAL**

Applicant has filed a petition for removal from the order setting this matter for trial, which issued on June 26, 2025, by the workers' compensation administrative law judge (WCJ).

Applicant contends that applicant's attorney was unable to attend the mandatory settlement conference due to a medical issue and that the matter should not have been set for trial.

We have received an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

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 we will dismiss the Petition for Removal as it was not timely filed.

Pursuant to WCAB Rule 10955, a petition for removal must be filed within 20 days after the service of the order or decision, or of the occurrence of the action in issue. (Cal. Code Regs., tit. 8, § 10955(a).) Here, the Petition for Removal was filed on July 28, 2025, however, the minutes were served on June 27, 2025. Including five days for mailing (Cal. Code Regs., tit. 8, § 10605), the petition should have been filed on or before July 21, 2025. As the petition is untimely, the petition will be dismissed.

However, even if we were to review the petition on the merits, we would otherwise deny the petition as applicant failed to establish substantial prejudice or irreparable harm. Applicant may simply appear at trial and request appropriate relief from the order setting the matter for trial.

We would remind counsel of his duty to request a continuance and/or inform the court of any absence. Here, the Petition for Removal was untimely filed.

Accordingly, we dismiss the Petition for Removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the order setting this matter for trial, issued on June 26, 2025, 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 23, 2025

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

**IVONNE RIPOLLE
LAW OFFICE OF IVAN AHMADY
DUNCAN, CASSIO, LUCCHESI, BINKLEY & VAN DOREN**

EDL/mt

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