

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

**KARAHAN METE, *Applicant***

**vs.**

**MIKE LOWRIE TRUCKING CO., INC.;  
CYPRESS INSURANCE COMPANY C/O  
BERKSHIRE HATHAWAY HOMESTATE COMPANIES, *Defendants***

**Adjudication Number: ADJ10534411  
Sacramento District Office**

**OPINION AND ORDER  
GRANTING PETITION FOR  
DISQUALIFICATION AND DECISION  
AFTER DISQUALIFICATION**

Applicant, in pro per, seeks disqualification of the workers' compensation administrative law judge (WCJ) based upon the WCJ's alleged conduct at hearings on January 13, 2025 and March 3, 2025. Applicant contends that he does not believe that he will receive a fair and impartial hearing before the WCJ.

We did not receive an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Disqualification recommending we deny disqualification ("Report").

We have considered the allegations of the Petition for Disqualification and the contents of the WCJ's Report. Based on our review of the record and for the reasons discussed below, we will grant the Petition for Disqualification of the WCJ and order that the matter be returned to the Presiding WCJ for reassignment to a different WCJ.

## **BACKGROUND**

We will briefly review the relevant facts. This case was originally assigned to two other WCJs, and applicant seeks disqualification of current assigned WCJ Wilkens.

Applicant alleges he sustained a specific injury to his hips, legs, knee, and ankle arising out of and during the course of employment on July 25, 2011.

On January 13, 2025, the parties appeared for a hearing. Applicant was granted a continuance to retain a new attorney with trial set for March 3, 2025.

On February 10, 2025, applicant filed a “petition for penalties” against defendant, which included the following statement:

I am not capable of presenting myself verbally in court. During the trial, my presentation will not match that of the well-qualified defense attorney. Therefore, I have decided to express my struggles and frustrations in writing.

At the hearing, you asked me, “What do you want?” I was caught off guard and did not know how to respond. What I seek is justice. In my case, I hope to expose and address the flaws in the workers' compensation system and put an end to the abuse of injured workers. Can I accomplish this? I don't know. But at the very least, I must try.

I am a non-denominational reverend, and throughout my life, I have fought for justice—often at great personal cost. A fundamental disagreement with my attorney regarding my case led me to dismiss her. I may pay a price for that decision as well, but I will be at peace with myself. I understand that attorneys run a business, not a charity. I also recognize that it may be frustrating for the court to deal with someone unfamiliar with legal procedures. For that, I apologize in advance and respectfully ask for your patience.

Thousands of injured workers—mostly blue-collar workers—face the same struggles. My research has led me to countless heartbreaking stories. In my view, taking someone's livelihood with the stroke of a pen is no different than ending their life with a bullet.

Many do not believe the extent of the injustices within the workers' compensation system until they experience it firsthand. Insurance companies, with their vast wealth, power, and resources, have manipulated both legislative and judicial systems, leaving injured and sick individuals without recourse. Some, overwhelmed by desperation, have taken matters into their own hands, leading to tragic consequences—including acts of violence, as seen in cases like the murder of an insurance company CEO (Cornering the Rats).

However, I want to be clear: I do not condone violence in any form. Justice cannot be achieved through harm. My fight is for reform, not retaliation. I seek to be part of the solution—advocating for those who have been silenced and working toward a fair and just system for all. I understand that the WCAB has very limited adjudicative power, and meaningful change may require legislative action to fix the workers' compensation system. To that end, I am in contact with legislators, including senators, assembly members, and unions, to push for necessary reforms.

(Petition for Penalties, February 7, 2025, pp. 1-2.)

On March 3, 2025, applicant appeared for trial, but it was continued because defendant's counsel was not present due to involvement in a motor vehicle accident.

On March 10, 2025, applicant filed a letter, which we treat as the Petition for Disqualification, requesting that the WCJ recuse himself from applicant's case due to what allegedly transpired at the hearing on January 13, 2025. Applicant expressed concern as to whether he could receive a fair and impartial hearing. The basis for applicant's Petition was as follows:

1. Upon learning that I had dismissed my attorney, your immediate response was to tell me that I needed to pay her attorney fees (paraphrasing). This reaction made me feel unfairly judged as if I had intentionally sought to avoid payment. In reality, I had already emailed my former attorney, thanking her for her services and requesting her bill, which I fully intend to pay.
2. You then asked me, in an angry tone, "What do you want?" I was caught off guard and unsure how to respond. When I explained that the insurance company had denied my hip treatment for over a decade without proper justification, you replied, "They're sending it to utilization review." However, instead of seeking further clarification or addressing the issue with the defense attorney, you immediately appeared to side with the insurance company. Additionally, it was my ankle—not my hip—that was sent to utilization review [sic]
3. You stated (paraphrasing), "Whether you have an attorney or not, we will proceed with the case." This gave me the impression that you had already made up your mind about my case before I had the opportunity to properly present my side.
4. My statement regarding insurance companies has been taken out of context and misrepresented as a threat to the Defendant's attorney. I firmly believe that my remarks were intentionally distorted to portray me as a dangerous person, which amounts to an attempt at character assassination. This misrepresentation creates a negative image of me and seeks to manipulate court decisions.

5. I have dedicated my life to promoting peace, and this unfounded accusation has deeply affected me emotionally. I don't even harm mosquitoes, God's magnificent creations. If my statement is carefully examined, it is clear that my intent was to highlight the consequences of bad-faith business practices by insurance companies. Such practices lead to innocent people losing their lives and leave injured or ill individuals defenseless against a legal system dominated by corporate attorneys.
6. I drew a comparison to gang violence to emphasize the severity of these systemic issues, though I acknowledge that my wording may have been strong. My intention was to shed light on white-collar crimes, which, in many cases, have a more devastating impact than street-level offenses. If a language barrier contributed to any misunderstanding, I sincerely apologize for any discomfort my words may have caused.
7. On March 3, 2025, the Defense attorney did not attend the hearing, stating that she had been in an accident. I sincerely hope she is doing well. However, I respectfully request documentation of the accident, such as a police report or an insurance claim statement. In the absence of such documentation, I kindly ask for reimbursement of my \$300 wage loss for that day.

(Petition for Disqualification, pp. 1-3.)

The WCJ issued a Report denying the allegations of bias as without merit and recommended that the petition for disqualification be denied.

## DISCUSSION

### I.

Under WCAB Rule 10960, proceedings to disqualify a WCJ “shall be initiated by the filing of a petition for disqualification supported by an affidavit or declaration under penalty of perjury stating in detail facts establishing one or more of the grounds for disqualification ... .” (Cal. Code Regs., tit. 8, § 10960.)

Here, the WCJ’s Report noted, “The Petition for Disqualification did not contain an affidavit or declaration under penalty of perjury providing any fact sufficient to support disqualification...” (Report and Recommendation on Petition for Disqualification, ADJ10534411, p. 3, March 12, 2025.) There is no explanation as to why applicant did not verify the petition. However, a lack of verification does not deprive the appeals board of jurisdiction to consider and act upon a petition. (*Lucena v. Diablo Auto Body* (2000) 65 Cal.Comp.Cases 1425; *Pacific Tel. & Tel. Co. v WCAB (Nichols)* (1983) 48 Cal.Comp.Cases 530.) Under some circumstances, such as where the petitioner is a pro per applicant or pro per defendant, we may elect not to dismiss an unverified petition. (*Lucena v. Diablo Auto Body* (2000) 65 Cal.Comp.Cases 1425.)

In addressing these matters, we recognize that an applicant proceeding pro per may not be fully aware of all the technicalities and formalities in filing petitions. Moreover, we are mindful that the workers' compensation system "was intended to afford a simple and nontechnical path to relief" (*Elkins v. Derby* (1974) 12 Cal.3d 410, 419), and that "informality of pleading in proceedings before the Board is recognized and courts have repeatedly rejected pleading technicalities as grounds for depriving the Board of jurisdiction." (*Rubio v. Workers' Comp. Appeals Bd.* (1985) 165 Cal.App.3d 196, 200 [50 Cal.Comp.Cases 160]; *Liberty Mutual Ins. Co. v. Workers' Comp. Appeals Bd.* (1980) 109 Cal.App.3d 148, 152 [45 Cal.Comp.Cases 866].)

Accordingly, we decline to dismiss applicant's Petition for Disqualification and proceed to the merits of applicant's allegations as set forth therein.

## II.

Labor Code section 5311 provides that a party may seek to disqualify a WCJ upon any one or more of the grounds specified in Code of Civil Procedure section 641. (Lab. Code, § 5311; see also Code Civ. Proc., § 641.) Among the grounds for disqualification under section 641 are that the WCJ has "formed or expressed an unqualified opinion or belief as to the merits of the action" (Code Civ. Proc., § 641(f)) or that the WCJ has demonstrated "[t]he existence of a state of mind ... evincing enmity against or bias toward either party" (Code Civ. Proc., § 641(g); see also, Cal. Code Regs., tit. 8, § 10960).

Labor Code section 5310 states in relevant part that: "The appeals board may appoint one or more workers' compensation administrative law judges in any proceeding, as it may deem necessary or advisable, and may refer, remove to itself, or transfer to a workers' compensation administrative law judge the proceedings on any claim." (See also Lab. Code, §§ 123.7, 5309.)

Here, applicant alleged that the WCJ's statement, which he understood to mean that the case would proceed regardless of whether applicant had an attorney gave applicant the impression that the WCJ formed an opinion about the merits of the case (Petition for Disqualification, p. 2, Item 3.) Applicant also suggests that the WCJ asserted opinions as to his claim related to applicant's statements made in his February 10, 2025 petition for penalties against defendant (Petition for Disqualification, p. 2, Items 4, 5, 6.)

The WCJ states in the Report that there is no factual support that he has actual bias against or in favor of an attorney for a party. While we have no reason to doubt the honesty or integrity of the WCJ's representations, our inquiry cannot end there because actual bias is not the only grounds

for disqualification. The appearance of bias may be sufficient to require disqualification. As to the appearance of bias, the objective test to be applied is whether a person aware of the facts might reasonably entertain a doubt that the judge would be able to act with impartiality. (*Robbins v. Sharp Healthcare* (2006) 71 Cal.Comp.Cases 1291, 1307 (Appeals Board en banc).)

With respect to Item 3, in the Report, the WCJ admitted that he advised applicant the case would go forward regardless of whether applicant had an attorney. The WCJ noted, “this case had been *dragging on* for nearly 8 years and the issues need to be tried and decided.” (Report, p. 7, emphasis added.) The choice of wording used by the WCJ to characterize the case as “dragging on,” although perhaps not intended, can give rise to questions of whether the WCJ finds the length of the dispute unreasonable, and, thus, creates an appearance of bias. While we recognize the case has been protracted, such a response fails to consider that contested substantive issues remained between the parties, namely whether applicant had an industrial hip injury.

Regarding Items 4, 5, and 6 related to applicant’s Petition for Penalties, the WCJ appeared to take issue with applicant’s word choice, advising applicant what words he should avoid in future writings, without evidence he acknowledged or considered the context in which those words were written. Notably, as clarified by applicant, he “...dedicated my life to promoting peace, and this unfounded accusation has deeply affected me emotionally. I don’t even harm mosquitoes, God’s magnificent creations. If my statement is carefully examined, it is clear that my intent was to highlight the consequences of bad-faith business practices by insurance companies. Such practices lead to innocent people losing their lives and leave injured or ill individuals defenseless against a legal system dominated by corporate attorneys.” (Petition for Disqualification, p. 2, Item 5.) As noted above, an applicant proceeding pro per does not possess the expertise of a trained attorney in drafting legal petitions, and the WC’s interactions with applicant call into question whether the WCJ adequately accounted for applicant’s situation as an unrepresented individual, even if unintentional, giving rise to an appearance of bias, even if no actual bias is present.

While the WCJ may not have “formed or expressed an unqualified opinion or belief as to the merits of the action” (Code Civ. Proc., § 641(f)) or has demonstrated “[t]he existence of a state of mind ... evincing enmity against or bias toward either party” (Code Civ. Proc., § 641(g)), we conclude that there is an appearance of bias sufficient to warrant disqualification.

Accordingly, we grant the Petition for Disqualification and order that the matter be returned to the Presiding WCJ for assignment to a new WCJ.

For the foregoing reasons,

**IT IS ORDERED** that the Petition for Disqualification is **GRANTED**.

**IT IS FURTHER ORDERED** as the Decision After Disqualification by the Workers' Compensation Appeals Board that the assigned workers' compensation administrative law judge is **DISQUALIFIED** and this case is **RETURNED** to the presiding workers' compensation administrative law judge for reassignment to a different workers' compensation administrative law judge.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**I CONCUR,**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER**



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

**JULY 1, 2025**

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

**KARAHAN METE  
RTGR LAW**

**DC/cs**

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