

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

**KERN PARDASSIE, *Applicant***

**vs.**

**SEMA, INC.; ALLMERICA FINANCIAL BENEFIT INSURANCE COMPANY,  
administered by HANOVER INSURANCE GROUP, *Defendants***

**Adjudication Number: ADJ14214237  
Van Nuys District Office**

**OPINION AND ORDER  
DENYING PETITION  
FOR REMOVAL**

Defendant has filed a petition for removal<sup>1</sup> from the order taking the matter off calendar that issued on October 10, 2024, by the workers' compensation administrative law judge (WCJ).

Defendant contends that applicant's claim of death benefits should be bifurcated from any claim of inter vivos benefits.

We have not received an answer from applicant. 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 and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's Report, we will deny removal.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs.,

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<sup>1</sup> Defendant is admonished that per WCAB Rule 10940: "Every petition and answer shall be verified upon oath in the manner required for verified pleadings in courts of record. A verification and a proof of service shall be attached to each petition and answer. Failure to file a proof of service shall constitute valid ground for dismissing the petition." We have exercised discretion to review the petition on the merits in this case. In the future, defendant should verify all petitions filed.

tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

The WCJ noted a possible issue with the timeliness of the petition. However, the minutes of hearing do not include a date or signature indicating who served the minutes upon defendant. Accordingly, and given a formal proof of service was filed on October 23, 2025, we consider the petition timely filed and review the petition on the merits.

In workers' compensation, the general rule is that all matters are submitted at a single trial. (Cal. Code Regs., tit. 8, § 10787(a).) However, it is within the discretion of a WCJ to bifurcate any issue if good cause is presented. Here, defendant has not shown that substantial prejudice or irreparable harm will occur if these claims are tried together.

Accordingly, we deny removal.

For the foregoing reasons,

**IT IS ORDERED** that defendant's Petition for Removal from the order taking the matter off calendar that issued on October 10, 2024, by the WCJ is **DENIED**.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

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

**/s/ JOSÉ H. RAZO, COMMISSIONER**



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

**SEPTEMBER 26, 2025**

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

**KERN PARDASSIE  
KOSZDIN FIELDS VAN NUYS  
THE HANOVER LAW OFFICE**

**EDL/mt**

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