

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

KEVIN PERRY, *Applicant*

vs.

**ASSET PROTECTION AND SECURITY SERVICES, L.P.;
INSURANCE COMPANY OF THE STATE OF PA, administered by
GALLAGHER BASSETT SERVICES, for AIG CLAIMS, *Defendants***

**Adjudication Numbers: ADJ18890787; ADJ10622598; ADJ10936287; ADJ11180688
San Diego District Office**

**VEXATIOUS LITIGANT
PRE-FILING REVIEW
PURSUANT TO
CALIFORNIA CODE OF REGULATIONS,
TITLE 8, SECTION 10430
OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On August 2, 2024, applicant was declared a vexatious litigant subject to a pre-filing order pursuant to California Code of Regulations, title 8, section 10430. (Cal. Code Regs., tit. 8, § 10430.) Under WCAB Rule 10430, applicant must obtain prior approval from the Presiding Workers' Compensation Judge or the Appeals Board before he or she is allowed to file any application(s) for adjudication of claim, declaration(s) of readiness to proceed, pleading(s), petition(s) or other request(s) for action by the Workers' Compensation Appeals Board, unless document(s) are filed by a licensed attorney, who has assumed applicant's representation.

Applicant, in pro per, has conditionally filed a Conditionally Filed Request for Leave Pursuant to Cal. Code Regs., tit. 8, § 10430(d) to File a Petition to Remove ADJ18890787 to Appeals board in San Francisco on June 12, 2025. We have considered the contents of the document and the record in this case. Based on our review, we find a basis for accepting applicant's filing as it appears to be a Petition for Reconsideration of the August 2, 2024 Vexatious

Litigant Finding, Decision and Orders declaring him a vexatious litigant. Accordingly, the document is accepted for filing.

We accept applicant's petition for filing and will treat it as a Petition for Reconsideration. To the extent applicant is challenging the August 2, 2024 order declaring him a vexatious litigant, we deny reconsideration as untimely for the reasons stated below. We also note that, while applicant appears to raise issues other than the vexatious litigant order, there are no other relevant orders for him to challenge at this time. This case is currently set for trial on October 6, 2025 apparently related to the September 24, 2024 Order Dismissing Case with Prejudice.

There are 25 days allowed within which to file a petition for reconsideration from a "final" decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10605(a)(1).) This time limit is extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10600.) To be timely, however, a petition for reconsideration must be filed with (i.e., received by) the WCAB within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10940(a), 10615(b).)

This time limit is jurisdictional and, therefore, the Appeals Board has no authority to consider or act upon an untimely petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1076 [65 Cal.Comp.Cases 650]; *Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1182; *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984 [46 Cal.Comp.Cases 1008]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal.App.2d 545, 549 [27 Cal.Comp.Cases 73].)

In this case, the WCJ issued the Vexatious Litigant Finding, Decision and Orders on August 2, 2024. Based on the authority cited above, applicant's petition filed on June 12, 2025 is untimely and subject to dismissal.

For the foregoing reasons,

IT IS ORDERED that the Conditionally Filed Request for Leave Pursuant to Cal. Code Regs., tit. 8, § 10430(d) to File a Petition to Remove ADJ18890787 to Appeals board in San Francisco is **ACCEPTED** for filing.

IT IS FURTHER ORDERED that the Petition for Reconsideration is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 11, 2025

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

**KEVIN PERRY
LAW OFFICES OF BRADFORD AND BARTHEL**

PAG/abs

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