

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

**LETICIA ARIAS, *Applicant***

**vs.**

**YMCA OF GREATER WHITTIER;  
INSURANCE COMPANY OF THE WEST, *Defendants***

**Adjudication Numbers: ADJ16902178  
Riverside District Office**

**OPINION AND ORDER  
GRANTING PETITION FOR  
RECONSIDERATION AND  
NOTICE OF INTENT  
TO IMPOSE SANCTIONS**

Lien claimant has filed a Petition for Reconsideration from the Findings and Order (F&O) issued on September 19, 2025, by the workers' compensation administrative law judge (WCJ). The WCJ found that lien claimant failed to prove that applicant's injury was industrial and ordered that lien claimant take nothing on its lien of medical treatment. The WCJ further found that lien claimant provided \$2,015.00 in medical-legal services and issued an order of payment accordingly.

Lien claimant contends that the WCJ erred because substantial medical evidence establishes that applicant sustained industrial injury.

We have not received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending that we deny reconsideration.

Lien claimant requested permission to file a supplemental petition in response to the WCJ's Report, which we accept. (Cal. Code Regs., tit. 8, § 10964.)

We have considered the allegations of the Petition for Reconsideration, the supplemental petition, 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 Reconsideration and issue a Notice of

Intention to impose sanctions of up to \$2,500.00 jointly and severally against lien claimant, Medland Medical, and its representative, Allen Haghighinia.

## FACTS

Applicant was employed as a kitchen maintenance worker during the period ending in September 2022, when she claims to have sustained a cumulative injury to her wrist, hands, fingers, legs, and feet. (Minutes of Hearing and Summary of Evidence, July 23, 2025, p. 2, lines 4-7.) Defendant denied liability for the cumulative injury. (Joint Exhibit 1.)

Applicant sustained an admitted specific injury, which was filed alongside the cumulative injury, however this injury was not set as part of the lien claim proceedings. Lien claimant only treated on the denied cumulative injury claim.

Applicant resolved both claims of injury through a Compromise and Release. (Order Approving Compromise and Release, December 7, 2023.)

Applicant was seen by qualified medical evaluator Michael Mauro, D.O., who issued one report in evidence. (Joint Exhibit 2.) Dr. Mauro examined applicant, *reviewed applicant's medical file*, took a complete job history, and opined on causation as follows:

Based on the history, exam, and available medical records, there is an obvious clear reasonable medical probability for left wrist injury due to the fall and there is a reasonable medical probability for a component of industrial causation for an overuse injury to the right elbow due to overuse after returning to work modified duty on April 6, 2023. However, the patient states that this pain did start about a week after returning to work which would be considered a very short timeframe, however, with that said there is reasonable medical probability for a component of industrial causation for a right elbow injury due to overuse. However, considering the patient's very specific history of no pain in any body parts prior to the specific injury on September 14, 2022, this would not allow for any reasonable medical probability for repetitive use cumulative trauma injury as alleged based on the cover letter review. Going solely on the patient's history, additionally, there is no medical record evidence that predates the specific injury on September 14, 2022, and with this said overall it is certainly possible for the patient to have a repetitive use injury and not be aware of this, but this will be left to the trier of fact as at this point the patient's history speaks for itself.

(*Id.* at p. 20.)

Lien claimant offered a report finding applicant had sustained industrial cumulative injury. (Lien Claimant's Exhibit 2.) However, the doctor noted: "I need full records from all doctors who have seen this patient regarding the left wrist and any other body parts that had been seen

previously for review and better understanding of this case.” (*Id.* at p.13.) The doctor further states: “It should be noted that this diagnosis is made without the benefit of reviewing the patient's entire medical records. Should medical records become available to you, please forward them to my office for review and comment.” (*Ibid.*)

## DISCUSSION

### I.

Former Labor Code<sup>1</sup> 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. (§ 5909.) Effective July 2, 2024, 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.

(§ 5909.)

Under 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 October 24, 2025, and 60 days from the date of transmission is Friday, November 28, 2025, which by operation of law makes this decision due by Tuesday, December 23, 2025. (Cal. Code Regs., tit. 8, § 10600.). This decision is issued by or on December 23, 2025, so that we have timely acted on the Petition as required by section 5909(a).

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<sup>1</sup> All future references are to the Labor Code unless noted.

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

According to the proof of service for the Report and Recommendation by the WCJ, the Report was served on October 24, 2025, and the case was transmitted to the Appeals Board on October 24, 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 section 5909(b)(1) because service of the Report in compliance with section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on October 24, 2025.

## II.

Before addressing the merits of lien claimant's Petition, we must first address the issue of sanctions. Section 5813 permits the Workers' Compensation Appeals Board to issue sanctions of up to \$2,500.00, for acts which result from "... bad-faith actions or tactics that are frivolous or solely intended to cause unnecessary delay." (§ 5813.)

WCAB Rule 10421(b) states in relevant part that:

Bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay include actions or tactics that result from a willful failure to comply with a statutory or regulatory obligation, that result from a willful intent to disrupt or delay the proceedings of the Workers' Compensation Appeals Board, or that are done for an improper motive or are indisputably without merit.

WCAB Rule 10421(b) further provides a comprehensive but non-exclusive list of actions that could be subject to sanctions. As applicable here, subdivision (b) states that a party may be subject to sanctions where the party has engaged in the following actions:

(2) Filing a pleading, petition or legal document unless there is some reasonable justification for filing the document.

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(4) Failing to comply with the Workers' Compensation Appeals Board's Rules of Practice and Procedure . . .

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(6) Bringing a claim, conducting a defense or asserting a position:

(A) That is:

(i) Indisputably without merit;

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(7) Presenting a claim or a defense, or raising an issue or argument, that is not warranted under existing law . . .

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(8) Asserting a position that misstates or substantially misstates the law . . .

(Cal. Code Regs., tit. 8, § 10421(b).)

WCAB Rule 10401 establishes that: “A non-attorney representative shall be held to the same professional standards of conduct as an attorney.” (Cal. Code Regs., tit. 8, § 10401(b).)

Business and Professions Code section 6068 provides in part that an attorney must respect the courts of justice and judicial officers (subdivision (b)); maintain only actions that are legal or just (subdivision (c)); be truthful at all times, including never to mislead a judge or judicial officer by false statement of fact or law (subdivision (d)); and, refrain from beginning or continuing a proceeding from “any corrupt motive” (subdivision (g)). Rule 3.3 of the California Rules of Professional Conduct provides in part that a lawyer shall not: “(1) knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; (2). . . . knowingly misquote to a tribunal the language of a book, statute, decision or other authority.”

Petitions for reconsideration are verified under penalty of perjury, and they must fairly state all of the material evidence relative to the point or points at issue. (Cal. Code Regs., tit. 8, § 10945(a).) Each contention contained in a petition for reconsideration must be stated separately and clearly set forth. (*Ibid.*) The petition shall support its evidentiary statements with specific references to the record. (Cal. Code Regs., tit. 8, § 10945(b).) “A petition for reconsideration, removal or disqualification may be denied or dismissed if it is unsupported by specific references to the record **and to the principles of law involved.**” (Cal. Code Regs., tit. 8, § 10972, (emphasis added).) In short, failure to cite the record and failure to fully and accurately set forth the facts and evidence is grounds to deny a petition. (§ 5902; Cal. Code. Regs., tit. 8, § 10972.)

Here, lien claimant’s petition for reconsideration and its supplemental petition contain a citation that appears fabricated. Both petitions provide a citation to the following: “*Peoples v.*

*WCAB* (1971) 20 Cal.App.3d 567.” We can find no such case in existence. In any response, lien claimant is requested to disclose, in detail, how this citation was generated.

The attorney, or in this case the lien representative, is responsible for the work that they submit. **There is no excuse for filing documents that contain misrepresentations or fabricated citations and/or quotations.**

Turning to the merits of the Petition for Reconsideration, to constitute substantial evidence “. . . a medical opinion must be framed in terms of reasonable medical probability, it must not be speculative, it must be based on pertinent facts and on an adequate examination and history, and it must set forth reasoning in support of its conclusions.” (*Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 621 (Appeals Board en banc).) “When the foundation of an expert’s testimony is determined to be inadequate as a matter of law, we are not bound by an apparent conflict in the evidence created by his bare conclusions.” (*People v. Bassett* (1968) 69 Cal.2d 122, 139.)

Here, lien claimant relies solely upon the reporting of the primary treating physician to establish industrial injury. However, the primary treater expressly states that no medical records were reviewed in coming to the conclusions reached. The doctor further requests that the records be forwarded for review, but it does not appear that this occurred. Accordingly, we do not find the reporting of the primary treater to constitute substantial medical evidence.

However, and because we are issuing a notice of intent to impose sanctions, we are not issuing a final decision on the merits at this time. A decision after reconsideration as to the merits will issue alongside any decision as to sanctions.

Accordingly, we grant the Petition for Reconsideration.

***We issue a Notice of Intention to impose sanctions of up to \$2,500.00 jointly and severally against lien claimant, Medland Medical, and its representative, Allen Haghiginia.***

For the foregoing reasons,

**IT IS ORDERED** that lien claimant's Petition for Reconsideration from the Findings and Order issued on September 19, 2025, by the WCJ is **GRANTED**.

**IT IS FURTHER ORDERED** that a final decision after reconsideration is **DEFERRED** pending further review of the merits of the Petition for Reconsideration and further consideration of the entire record in light of the applicable statutory and decisional law.

**NOTICE IS HEREBY GIVEN** that absent written objection in which good cause to the contrary is demonstrated, within twenty (20) days plus five (5) additional days for mailing (Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice, pursuant to Labor Code section 5813 and WCAB Rule 10421 (Cal. Code Regs., tit. 8, § 10421), the Workers' Compensation Appeals Board will order lien claimant **MEDLAND MEDICAL** and defendant's representative **ALLEN HAGHIGHNIA**, to pay sanctions jointly and severally of up to \$2,500.00 payable to the General Fund.

**IT IS FURTHER ORDERED** that all responses to this Notice must be electronically filed in the Electronic Adjudication System (EAMS) within twenty (20) days plus five (5) additional days for mailing (Cal. Code Regs., tit. 8, §§ 10605(a)(1), 10600) after service of this Notice. **Untimely or misfiled responses may not be accepted or considered.**

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

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

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



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

**December 23, 2025**

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

**LETICIA ARIAS  
FAKHRUDEEN HUSSAIN  
ALBERT MACKENZIE  
ICW GROUP LEGAL  
MEDLAND MEDICAL GROUP**

**EDL/mt**

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