

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

SANDRA PLEASURE, *Applicant*

vs.

**G2-PACIFIC BELL NETWORK INTEGRATION;
OLD REPUBLIC INSURANCE COMPANY ADM. BY SEDGWICK, *Defendants***

**Adjudication Number: ADJ18158502
Van Nuys District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

Defendant seeks reconsideration of the May 19, 2025 Finding of Fact and Order (F&O) wherein the workers' compensation administrative law judge (WCJ) found that applicant "while employed during the period March 31, 1973 to November 22, 1992, claims to have sustained injury arising out of and in the course of employment to her left knee"; that her claim was barred by laches; and that her claim was not barred by the statute of limitations.

Defendant contends that applicant was not employed by it during the period from March 31, 1973 to November 22, 1992; and that the evidence established that applicant sustained a specific injury so that the claim is barred by the statute of limitations.

We did not receive an answer from applicant. WCJ filed a Report and Recommendation on Petition for Reconsideration asking that the defendant's petition be dismissed as defendant was not an aggrieved party.

Based on our review of the petition and the record in this matter, and for the reasons discussed below, we will dismiss the petition as defendant is not aggrieved by the findings of fact.

FACTS

Applicant filed an Application for Adjudication on August 30, 2023 alleging a left knee injury during the period of March 31, 1973 through November 22, 1992. Applicant listed "ATT Corp" as the employer for this period. At some point, the employer became listed as G-2 Pacific

Bell Network Integration, though it does not appear that the Application was ever amended. Defendant filed an answer alleging that the employment could not be verified and raising several defenses include statute of limitations and laches.

The matter went forward to trial on March 24, 2025. In relevant part, they stipulated that: Sandra Pleasure . . . while allegedly employed during the period March 31, 1973 to November 22, 1992, claims to have sustained injury arising out of and in the course of employment to her left knee.” The only issues set for trial were employment, laches, statute of limitations, and date of injury. (MOH/SOE, 2:10-14.)

At trial, the only witness was the applicant.

Defendant did not present any witnesses or evidence that concerned employment, laches, or the statute of limitations.

DISCUSSION

I

Former Labor Code 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. (Lab. Code, § 5909.) Effective July 2, 2024, Labor Code 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.

Under Labor Code 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 June 16, 2025 and 60 days from the date of transmission is August 15, 2025. This decision is issued by or on August 15, 2025 so that we have timely acted on the petition as required by Labor Code section 5909(a).

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on June 16, 2025 and the case was transmitted to the Appeals Board on June 16, 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 Labor Code section 5909(b)(1) because service of the Report in compliance with Labor Code section 5909(b)(2) provided them with actual notice as to the commencement of the 60-day period on June 16, 2025.

II

A petition for reconsideration may properly be taken only from a “final” order, decision, or award. (Lab. Code, §§ 5900(a), 5902, 5903.) A “final” order has been defined as one that either “determines any substantive right or liability of those involved in the case” (*Rymer v. Hagler* (1989) 211 Cal.App.3d 1171, 1180 (*Rymer*); *Safeway Stores, Inc. v. Workers' Comp. Appeals Bd.* (1980) 104 Cal.App.3d 528, 534-535 [45 Cal.Comp.Cases 410]; *Kaiser Foundation Hospitals v. Workers' Comp. Appeals Bd. (Kramer)* (1978) 82 Cal.App.3d 39, 45 [43 Cal.Comp.Cases 661]) or determines a “threshold” issue that is fundamental to the claim for benefits. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1070, 1075 [65 Cal.Comp.Cases 650].) Interlocutory procedural or evidentiary decisions, entered in the midst of the workers' compensation proceedings, are not considered “final” orders. (*Id.* at p. 1075 [“interim orders, which do not decide a threshold issue, such as intermediate procedural or evidentiary decisions, are not ‘final’”]; *Rymer, supra*, at p. 1180 [“[t]he term [‘final’] does not include intermediate procedural orders or discovery orders”]; *Kramer, supra*, at p. 45 [“[t]he term [‘final’] does not include intermediate procedural orders”].) Such interlocutory decisions include, but are not limited to, pre-trial orders regarding evidence, discovery, trial setting, venue, or similar issues.

Labor Code section 5900(a) provides in pertinent part that:

Any person *aggrieved directly or indirectly* by any final order, decision, or award made and filed by the appeals board or a workers' compensation judge under any provision contained in this division, may petition the appeals board for reconsideration in respect

to any matters determined or covered by the final order, decision, or award, and specified in the petition for reconsideration.

(Lab. Code, § 5900(a).)

Here, the WCJ found that defendant successfully met its burden to show that the claim was barred by the doctrine of laches. Because applicant's claim against defendant is entirely precluded, defendant was not harmed by the WCJ's decision. Thus, the remainder of the issues are moot.

To the extent that defendant is concerned about a finding of employment, Finding of Fact #1 does not specify with whom the applicant was employed during the claimed period, and therefore, there is no final finding of employment that binds defendant.¹ It is unclear what evidence exists to support defendant's claim that the WCJ should have found that applicant was *not* employed by defendant. It was defendant's burden to show that applicant was not employed by it, and defendant brought no such evidence.

Defendant argues in its Petition that contrary to the stipulation at trial, it now believes that applicant sustained a specific injury rather than a cumulative injury. However, the time to seek relief from this stipulation as to a claim of cumulative injury was at trial. Regardless, not only is the issue of whether applicant claimed a specific injury or a cumulative injury moot, a finding as to a *claimed* date of injury is not legally enforceable as a final order.

Defendant is cautioned that a grant of reconsideration has the effect of causing "the whole subject matter [to be] reopened for further consideration and determination" (*Great Western Power Co. v. Industrial Acc. Com. (Savercool)* (1923) 191 Cal. 724, 729 [10 I.A.C. 322]) and of "[throwing] the entire record open for review." (*State Comp. Ins. Fund v. Industrial Acc. Com. (George)* (1954) 125 Cal.App.2d 201, 203 [19 Cal.Comp.Cases 98].) Thus, once reconsideration has been granted, the Appeals Board has the full power to make new and different findings on issues presented for determination at the trial level, even with respect to issues not raised in the petition for reconsideration before it.

As noted above, defendant did not present any witnesses or evidence to show that it was prejudiced. While the record is not clear as to the basis for the WCJ's finding that defendant met its burden to show laches barred applicant's claim, applicant has not challenged the finding, and we do not disturb it. (See Lab. Code, § 5904.)

¹ While defendant takes issue with some of the WCJ's discussion in the Opinion on Decision, only the findings, awards and orders are legally enforceable. (Lab. Code, §§ 5806, 5807.)

We observe that defendant's choice to file the Petition where defendant successfully defeated applicant's claim and where the favorable decision by the WCJ is arguably not supported by substantial evidence is at best perplexing. Defendant is reminded that filing a frivolous or meritless petition for reconsideration could subject it to sanctions. (Lab. Code, § 5813; Cal. Code Regs., tit. 8, § 10421.)

Accordingly, we decline to disturb the WCJ's findings as to the claimed injury and the statute of limitations, and we dismiss the Petition for Reconsideration.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 14, 2025

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

**SANDRA PLEASURE
ROBERT OZERAN
WAI CONNOR**

TF/md

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