

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

SUSANA RESENDIZ MORALES, *Applicant*

vs.

**COAST SEAFOOD COMPANY;
ZURICH AMERICAN INSURANCE COMPANY,
administered by GALLAGHER BASSETT, *Defendants***

**Adjudication Numbers: ADJ11079754; ADJ10653838; ADJ10975554
Santa Rosa District Office**

**OPINION AND ORDER
DENYING PETITION FOR
RECONSIDERATION**

Applicant seeks reconsideration of the Joint Findings and Orders (F&O) issued by the workers' compensation administrative law judge (WCJ) on June 18, 2025. The WCJ found, in pertinent part, that applicant did not sustain new and further disability and the prior Awards for future medical care in ADJ10653838, ADJ10975554, and ADJ11079754 remain in effect. The WCJ ordered applicant's Petitions for New and Further Disability in all three cases be dismissed.

Applicant contends that the WCJ did not adequately consider the evidence regarding her mental health in the F&O.

We have received an Answer from defendant.

The WCJ issued a Report and Recommendation (Report), recommending that the Petition be denied.

We have considered the allegations of the Petition for Reconsideration, the Answer, and the contents of the WCJ's Report with respect thereto. Based on our review of the record, and for the reasons stated in the WCJ's Report, which we adopt and incorporate, we will deny reconsideration.

Former Labor Code section 5909¹ 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, 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 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 under the Events tab 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 July 9, 2025, and 60 days from the date of transmission is September 7, 2025, which is a Sunday. The next business day that is 60 days from the date of transmission is Monday, September 8, 2025. (See Cal. Code Regs., tit. 8, § 10600(b).)² This decision was issued by or on September 8, 2025, so that we have timely acted on the petition as required by section 5909(a).

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

¹ All section references are to the Labor Code, unless otherwise indicated.

² WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that: Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers’ Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

act on a petition. Section 5909(b)(2) provides that service of the Report shall constitute notice of transmission.

Here, according to the proof of service for the Report, it was served on July 9, 2025, and the case was transmitted to the Appeals Board on July 9, 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 July 9, 2025.

For the foregoing reasons,

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

September 5, 2025

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

**SUSANA RESENDIZ MORALES
COLEMAN CHAVEZ & ASSOCIATES**

JL/abs

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

JOINT
REPORT AND RECOMMENDATION
ON PETITION FOR RECONSIDERATION
and
NOTICE OF TRANSMISSION TO APPEALS BOARD

I

INTRODUCTION

Applicant, Ms. Susana Resendiz Morales, acting in pro per, filed a verified, timely Petition for Reconsideration challenging the Joint Findings and Orders issued by Judge Heidi K. Hengel on June 18, 2025.

Susana Resendiz Morales, [...], while employed on February 22, 2016 (ADJ10653838), on March 31, 2017 (ADJ10975554), and during the period of January 21, 2015 through April 11, 2017 (ADJ11079754), as a packer, by Coast Seafood Company, sustained injury arising out of and in the course of employment to the following: (a) February 22, 2016 (ADJ10653838): low back, lower extremities and digestive; (b) March 31, 2017 (ADJ10975554): head and neck; (c) January 21, 2015 through April 11, 2017 (ADJ11079754): left shoulder and left wrist. The applicant was 48 and 49 years old on the respective dates of injury.

An Award issued in ADJ11079754 on July 1, 2019 for 14% permanent disability (PD) with future medical care for the left shoulder only. An Award issued in ADJ10975554 on July 1, 2019 (Amended on July 2, 2019) for 3% PD with future medical care for headaches only. An Award issued in ADJ10653838 on July 1, 2019 for 15% PD with future medical care for the low back only. The applicant timely filed Petitions to Reopen for new and further disability in all three cases.

In a Joint Findings and Orders dated June 18, 2025, the undersigned WCJ relied on the Qualified Medical Evaluator (QME), Dr. Wayne Anderson, in finding no new and further disability attributed to Applicant's injuries with Coast Seafood Company. As such, the Petitions to Reopen were dismissed in all three cases. Petitioner contends that the decision should be reconsidered because it overlooked her mental health evidence.

Petition, pp. 4-5.

II

FACTS

Susana Resendiz-Morales, [...], while employed as a packer at Coast Seafood Company, sustained three admitted injuries as follows:

- (a) February 22, 2016 (ADJ10653838): low back, lower extremities and digestive. This case was resolved via Stipulated Award on July 1, 2019 for 15% PD with future medical care for the low back only. (EAMS Doc. ID 70529361.)

- (b) March 31, 2017 (ADJ10975554): head and neck. This case was resolved via Stipulated Award on July 1, 2019 (Amended Award on July 2, 2019) for 3% PD with future medical care for headaches only. (EAMS Doc. ID 70532829.)
- (c) January 21, 2015 through April 11, 2017 (ADJ11079754): left shoulder and left wrist. This case was resolved via Stipulated Award on July 1, 2019 for 14% permanent disability (PD) with future medical care for the left shoulder only. (EAMS Doc. ID 70529323.)

The applicant was represented by counsel at the time she entered into all Stipulations with Request for Award, and an interpreter signed off on all of the settlement documents. (MOH/SOE, p. 3, line 25.)

Petitions to Reopen were timely filed in all three cases by applicant's former attorney. Thereafter, in 2022, the applicant dismissed her attorney in all three cases and began representing herself.

This matter proceeded to trial on April 29, 2025 on the issue of new and further disability. The case was submitted the same day after testimony from the applicant. The applicant submitted one trial exhibit consisting of 26 pages of various pleadings and medicals with applicant's handwritten notes. Applicant's Exhibit 1 contained pleadings including the prior Awards from 2019 and medical reports from 2017. None of the medical reports submitted by the applicant discussed her mental health or recommended any need for psyche treatment.

QME Dr. Wayne Anderson issued three reports addressing the Petitions to Reopen for new and further injury. (Def. Exhs. A-C.) In all three reports, Dr. Anderson indicated that any new and further injury to applicant's claimed body parts, including psyche, was due to her injury on April 2, 2020 with a different employer. On April 2, 2020, the applicant sustained an injury to her left shoulder and left ankle while working for AMB Labor Services (ADJ14301199). An Award issued in that case on March 21, 2022 for 8% PD. No Petition to Reopen was filed in that case, and this case was not set for Trial herein.

A Joint Findings and Award issued on June 18, 2025 finding no new and further disability and dismissing the Petitions to Reopen in all three cases with Coast Seafood Company, as any new and further disability was found to be due to applicant's April 2, 2020 injury with AMB Labor.

It is from this Findings & Order that Petitioner seeks reconsideration.

III

DISCUSSION

Labor Code section 5902 (d) provides that

"The petition for reconsideration shall set forth specifically and in full detail the grounds upon which the petitioner considers the final order, decision, or award made and filed by the appeals board, or a workers' compensation judge to

be unjust or unlawful, and every issue to be considered by the appeals board...” (LC §5902.)

A petition for reconsideration...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.) Here, the petitioner asserts that the evidence does not justify the findings of fact. The petition makes no reference to the evidentiary record that would warrant a finding contrary to the WCJ. Absent elaboration or citation to the record, it is difficult to fully ascertain the petitioner’s position.

Nonetheless, it merits repeating that the court’s Joint Findings and Orders is based on the Qualified Medical Evaluator Dr. Anderson, the only medical opinion in the record post-settlement of the applicant’s cases in 2019. The undersigned WCJ found Dr. Anderson’s reporting to constitute substantial medical evidence regarding his opinion on new and further injury.

Dr. Anderson stated in his October 31, 2024 report, “[T]oday’s records do support that there was a change in her condition, but it does appear to a medical probability that the change is associated with the subsequent injury [on April 2, 2020].” (Def. Exh. C, p. 61.) Dr. Anderson goes into detail stating that Applicant’s subsequent employment “was irritating the left distal upper extremity, causing some pain in the wrist and some swelling in the hand.” (Id.) Likewise, “after April 2, 2020, the medical records begin to discuss worsening body parts, first the neck with radiation down into the arms, and later just a general worsening of widespread pain in multiple body parts. The applicant had reached a plateau until April 2, 2020.” (Id.)

Regarding Applicant’s mental health, the applicant did raise symptoms of depression at Trial. However, none of the three Petitions to Reopen mentioned depression or alleged psyche as a compensable consequence. And, Dr. Anderson reported that the applicant’s statements of depression, if diagnosed, should be treated as part of the April 2, 2020 injury, not the prior injuries with Coast Seafood Company. (Def. Exh. C, p. 61.)

IV.

RECOMMENDATION

It is respectfully recommended that the Petition for Reconsideration be denied.

V.

NOTICE OF TRANSMISSION

Pursuant to Labor Code section 5909, the parties and the appeals board are hereby notified that this matter has been transmitted to the appeals board on date set out below.

Dated: July 9, 2025

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Heidi K. Hengel', with a stylized, looping flourish at the end.

Heidi K. Hengel

PRESIDING WORKERS' COMPENSATION
ADMINISTRATIVE LAW JUDGE