

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

TODD A. MELAND, *Applicant*

vs.

**STATE OF ARIZONA AHCCCS; STORAGE WORLD;
STATE COMPENSATION INSURANCE FUND, *Defendants***

Adjudication Numbers: ADJ3455035; ADJ513377

Santa Rosa District Office

**OPINION AND DECISION
AFTER RECONSIDERATION**

Applicant in pro per, filed a Petition for Reconsideration on September 22, 2022. In the Petition, it appears that applicant seeks reimbursement for the cost of self-incurred medical bills as a result of his industrial injuries.

We have considered the allegations of the Petition for Reconsideration, and based on our review of the record, as discussed below, since the record does not contain an order, decision, or award by a workers' compensation administrative judge (WCJ), it must be dismissed. As we previously granted reconsideration, we will vacate our grant of reconsideration and dismiss the Petition.

Labor Code section 5900(a) states:

(a) 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. The petition shall be made only within the time and in the manner specified in this chapter.

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; *Safeway Stores, Inc. v. Workers’ Comp. Appeals Bd. (Pointer)* (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.

Decisions of the Appeals Board “must be based on admitted evidence in the record.” (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, decisions of the Appeals Board must be supported by substantial evidence. (Lab. Code, §§ 5903, 5952(d); *Lamb v. Workmen’s Comp. Appeals Bd.* (1974) 11 Cal.3d 274 [39 Cal.Comp.Cases 310]; *Garza v. Workmen’s Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen’s Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ’s decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10787.)

Here, the record in FileNet in the Electronic Adjudication Management System (EAMS) only contains applicant’s Petition, documents that he attached to the Petition, and our Opinion and Order Granting Reconsideration. It appears that applicant seeks relief from us in the first instance. However, a petition for reconsideration to the Appeals Board may only be filed in response to a final order, decision, or award. Here, the record does not contain a final order, decision, or award, and the record does not contain evidence to assist in our review. Thus, applicant’s Petition must be dismissed.

If applicant still wishes to pursue his claim for relief, we recommend that applicant file a declaration of readiness (DOR) at the district office so that he can bring the issue before a WCJ in the first instance.

Accordingly, we vacate our Opinion and Order Granting Petition for Reconsideration and dismiss the Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Opinion and Order Granting Petition for Reconsideration issued by the Workers' Compensation Appeals Board on January 31, 2023 is **VACATED**.

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

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

April 11, 2025

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

**TODD MELAND, IN PRO PER
STATE COMPENSATION INSURANCE FUND, LEGAL
REPUBLIC INDEMNITY INSURANCE COMPANY OF AMERICA**

AS/mc



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