

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

**VERONICA RINCON, *Applicant***

**vs.**

**THE PERMANENTE MEDICAL GROUP, INC.; permissibly self-insured,  
administered by ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Numbers: ADJ11612609, ADJ12184014, ADJ10616694  
San Jose District Office**

**OPINION AND ORDER  
DISMISSING PETITION FOR  
RECONSIDERATION**

Applicant, in pro per, seeks reconsideration of the Order approving a Stipulation between defendant and the Employment Development Department (Order), dated July 12, 2025, and issued by the workers' compensation administrative law judge (WCJ) on July 21, 2025.

Applicant's Petition appears to object to the Order, although applicant was not a party to the Stipulation.

We received an Answer from defendant.

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

We have considered the allegations in the Petition and the Answer, and the contents of the Report. Based on our review of the record, and as discussed below, we will dismiss the Petition for Reconsideration.

**BACKGROUND**

As set forth by the WCJ in her Report,

In the Amended Findings and Award which issued on 06/27/2025, it was determined that Defendants had paid temporary disability for the period 11/03/2017 through 08/14/2018 at the rate of \$434.07 per week. Applicant met her burden of proof to establish that she was entitled to additional temporary disability from 08/15/2018 and continuing, up to the 104-week cap.

Applicant received State Disability Indemnity benefits from the Employment Development Department [EDD] during the period 11/12/2017 through 12/25/2018. EDD has not filed a lien but all parties were on notice that benefits were paid and EDD had lien interests.

In the Findings and Award, Applicant was awarded the additional temporary disability less credit to Defendants for payments made by EDD, subject to proof.

Following the issuance of the Findings and Award, Defendants entered into settlement negotiations with EDD for re-payment of the sums paid to Applicant.

Defendants and EDD agreed to settle EDD's lien interests for the period 11/03/2017 through 12/25/2018 for the sum of \$8,211.36. A written Stipulation was entered into by Defendants and EDD, and this Judge approved said Stipulation on 07/12/2025. Applicant was served with a copy of the lien settlement and filed a Petition for Reconsideration on 07/21/2025. Defendant has filed an Answer on 07/25/2025. There has been no Answer from EDD.

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Applicant received benefits from EDD during a period that Defendant has been found liable for temporary disability. Defendant is required to reimburse EDD for benefits that Defendant should have paid. Defendant has entered into negotiations with EDD and they have agreed upon an amount for reimbursement to EDD.

There is no allegation or evidence that the negotiations and settlement were improper, invalid or in any way against Applicant's interests. There is no allegation or evidence that the settlement is in error.

(Report, pp. 3-4.)

## **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. (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.

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<sup>1</sup> All further statutory references are to the Labor Code, unless otherwise noted.

(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 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 July 28, 2025, and 60 days from the date of transmission is September 26, 2025. This decision is issued by or on September 26, 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 act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers’ compensation administrative law judge, the Report was served on July 28, 2025, and the case was transmitted to the Appeals Board on July 28, 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 28, 2025.

## II.

The manifest purpose of trial stipulations is “to expedite trials and hearings and their use in workers’ compensation cases should be encouraged.” (*Robinson v. Workers’ Comp. Appeals Bd.* (1987) 194 Cal.App.3d 784, 791 [52 Cal.Comp.Cases 419]; see *County of Sacramento v. Workers’ Comp. Appeals Bd. (Weatherall)* 77 Cal.App.4th 1114, 1120 [65 Cal.Comp.Cases 1].)

Section 5702 provides:

The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the appeals board. *The appeals board may thereupon make its findings and award based upon such stipulation*, or may set the matter down for hearing and take further testimony or make the further investigation necessary to enable it to determine the matter in controversy.

(Lab. Code, § 5702, italics added.)

The WCAB is thus authorized to reject a stipulation by the parties and to determine the underlying issues by directing investigation or in supplemental proceedings. However, the WCAB is also specifically authorized to “make its findings and award based on such stipulation.” Here, the WCJ approved the Stipulation between defendant and EDD.

Pursuant to section 5900(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.

(Lab. Code, § 5900(a).)

Here, the agreement in the Stipulation is between defendant and EDD. Applicant is not a party to the Stipulation, so that she is not aggrieved.

In the amended F&A of June 27, 2025, the WCJ found that defendant paid temporary disability indemnity for the period from November 3, 2017 through August 14, 2018 at the rate of \$434.07 per week (Finding of Fact #4); and that applicant established an entitlement to temporary from August 15, 2018 and ongoing, subject to the 104-week cap, less credit to defendant for payments from EDD during the 104-week period, subject to proof (Finding of Fact #10).

Section 4903 provides that a lien by EDD is allowable when an applicant receives or is entitled to receive payments of temporary disability indemnity. Section 4904 provides that the lien may be allowed for all payments by EDD for all dates where applicant receives or is entitled to receive payments of temporary disability indemnity. Under these statutes, the effect should be that an injured worker receives payment of benefits in an amount equal to the temporary disability owed but is not entitled to receive double payments.

Defendant paid temporary disability indemnity for the period from November 3, 2017 through August 14, 2018, and the full 104 week period would be up to November 3, 2019. According to the Stipulation, defendant and EDD have negotiated a settlement for the period from November 12, 2017 to December 25, 2018.

To the extent that applicant is indirectly aggrieved because she is unable to calculate if there is any remaining indemnity owed to her, that issue is a separate issue. If applicant is unclear as to how her benefits were calculated or if she believes that she did not receive full payment of benefits owed to her, she can request an accounting from defendant. If a dispute arises, either party can file a Declaration of Readiness.

Accordingly, we dismiss the Petition for Reconsideration.

For the foregoing reasons,

**IT IS ORDERED** that applicant's Petition for Reconsideration is **DISMISSED**.

**WORKERS' COMPENSATION APPEALS BOARD**

/s/ JOSÉ H. RAZO, COMMISSIONER

**I CONCUR,**

/s/ CRAIG SNELLINGS, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



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

**September 26, 2025**

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

**VERONICA RINCON  
WITKOP LAW  
ROBERT BLEDSOE**

**DLM/oo**

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