

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

ASHLEY THURMOND, *Applicant*

vs.

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, permissibly self-insured,
adjusted by TRISTAR, *Defendants***

**Adjudication Numbers: ADJ19265320; ADJ19267101
San Jose District Office**

**OPINION AND DECISION
AFTER RECONSIDERATION**

Cost petitioner Jack Yen, M.D., seeks reconsideration of the Joint Findings of Fact and Order (F&O) issued by the workers' compensation administrative law judge (WCJ) in this matter on October 22, 2025. In that decision, the WCJ found that payment of \$4,946.26 issued on January 13, 2025 by defendant to Alexa Healthcare for the Qualified Medical Evaluator (QME) report by Dr. Yen was not unreasonably delayed, and that nothing further is due. Additionally, the WCJ found that any complaints regarding the payment in this case by cost petitioner should have been the subject of the Independent Bill Review procedure set forth in Labor Code¹ section 4603. The WCJ denied cost petitioner's claims for interest, penalties, sanctions, and attorney fees.

The WCJ issued a Report and Recommendation (Report) recommending denial of the Petition.

On January 30, 2026, we issued an interim non-final order granting the petition and deferring a final decision pending further review of the merits and further consideration of the entire record. We also encouraged the parties to participate in the Appeal Board's voluntary mediation program.

Thereafter, the parties voluntarily participated in the mediation program to discuss the issues raised.

¹ All further statutory references are to the Labor Code, unless otherwise noted.

On June 22, 2026, the parties agreed to, and filed a signed “Stipulation to Remand Matter to Trial Level for Further Proceedings.” In pertinent part, the Stipulation states that:

The parties agree to remand this matter to trial level for further proceedings without withdrawing their positions or arguments. Based on the record, the parties present the following issue: whether defendant was obligated to file a Petition for Determination of Medical-Legal Expense Dispute and concurrent Declaration of Readiness within 60 days of the provider’s objection as set forth by Labor Code § 4622. In addition, the WCJ shall address any other issue he deems appropriate.

We believe that the Stipulation to return the matter to the WCJ is the most expeditious way to enable the WCJ to create a more complete record relating to the issues initially raised by the parties and as further noted in our January 30, 2026 interim non-final order granting the petition. Thus, we will approve the Stipulation as required by Labor Code section 5702.

Based upon this joint Stipulation of the parties, we will rescind the Findings of Fact and Order of the workers’ compensation administrative law judge dated October 22, 2025, and return this matter to the WCJ for further proceedings. This is not a decision on the merits of the Petition, and the WCJ may conduct such further proceedings as is deemed appropriate.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers’ Compensation Appeals Board that the Stipulation to Remand Matter to Trial Level for Further Proceedings is **APPROVED**.

IT IS FURTHER ORDERED that the Findings of Fact and Order of the workers’ compensation administrative law judge dated October 22, 2025 is **RESCINDED**.

IT IS FURTHER ORDERED that this matter be **RETURNED** to the workers' compensation administrative law judge for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ PAUL F. KELLY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 30, 2026

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

**WITKOP LAW GROUP
JACK YEN, M.D.
FREEBURG LAW APC
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
TRISTAR**

TD/cs

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