

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

CARLA JONES, *Applicant*

vs.

COUNTY OF RIVERSIDE, permissibly self-insured, *Defendant*

**Adjudication Number: ADJ19428639
Riverside District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

Applicant filed a Petition for Reconsideration (Petition) in response to the Findings and Orders (F&O) dated May 19, 2026 in which the workers' compensation administrative law judge (WCJ) found in pertinent part that applicant, while employed by defendant as a staff development officer during the cumulative period ending June 10, 2010, did not sustain injury arising out of and in the course of employment (AOE/COE) to the nervous system, stress, or psyche.

Applicant contends that the WCJ improperly applied lay opinion in lieu of expert medical opinion, improperly expanded the definition of personnel action, improperly found personnel actions were a substantial cause of injury, did not adequately address relevant evidence, and in the alternative argued that the record should be developed.

Defendant filed an Answer.

The WCJ's Report and Recommendation (Report) recommends that reconsideration be denied.

We have reviewed the allegations in the Petition and the Answer and the contents of the Report. After review of the record and for the reasons discussed below, we will grant the Petition for Reconsideration, rescind the F&O, and return this matter to the trial level for further proceedings consistent with this opinion.

I.

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. (Former 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.

(Lab. Code, § 5909.)

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 June 2, 2026, and 60 days from the date of transmission is Saturday, August 1, 2026. The time limit is also extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10600(b).) Here, August 1, 2026, is a Saturday which by operation of law means this decision is due by the next business day, which is Monday, August 3, 2026. This decision issued by or on August 3, 2026, 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 Unless otherwise stated, all further statutory references are to the Labor Code.

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

According to the proof of service, the Report was served on June 2, 2026, and the case was transmitted to the Appeals Board on June 2, 2026. 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 June 2, 2026.

II.

Applicant, while employed by defendant during the cumulative period ending June 10, 2024, claims injury AOE/COE to the nervous system, stress², and psyche.

A.

As relevant to our discussion, the record contains an August 1, 2024 summarized “recorded Zoom interview of Witness-Tanyel Butler” that provides in part: “Butler became the claimant’s supervisor in April of 2022, and supervised the claimant for about two months until supervisor, Elizabeth Howell, became the claimant’s immediate supervisor. Butler said there were no concerns with the claimant’s job performance at that time.” (DEF EXH B, p. 1.)

Then there is an August 8, 2024 summarized “recorded Zoom interview of Witness-Nicolas Habash” that provides in part: “[W]hen they worked together as a team, everything was fine.” (DEF EXH C, p. 1.)

On April 11, 2025, Chandandeep S. Chahal, M.D., issued an Initial Psychiatric Panel Qualified Medical Evaluation (PQME) report. Dr. Chahal stated under causation that “work related factors account for approximately 100 % causation of psychiatric injury.” (JOINT EXH 2, p. 20.)

Dr. Chahal reports applicant went to urgent care in early 2023 where she was placed off work for five days and:

She then followed up with her primary care physician Dr. Sirisuk, who prescribed Duloxetine (Cymbalta) and referred her to therapy.

She started therapy at Growth Therapy with different therapist at April Adams-Edwards, Dr. Latrina Morgan, and Harley Devine from November 2023 - June

² The parties and the WCJ are reminded that “stress” is not a body part. It is a cause of injury.

2024. She then did therapy via tele-health from August 2024 - January 2025 but could not recall the name of her therapist.

(JOINT EXH 2, p. 7.) Her primary care physician is Dr. Possagnoli. (JOINT EXH 2, p. 8.)

Dr. Chahal assigned causation of injury by percentages to nine different factors. (JOINT EXH 2, p. 20.) The doctor also provided an apportionment determination of 80% work-related and 20% nonwork-related. (JOINT EXH 2, p. 21.)

Dr. Chahal stated “[t]otal pages of declared/attested records received/reviewed by this QME: 84.” (JOINT EXH 2, p. 1.) The doctor also noted review of applicant’s video deposition (79 pages), and miscellaneous records consisting of “medical records, including: envelope, proof of service, declaration of defendant, and attorney letters,” and concluded the “evaluation is final unless both parties ask me to review additional records, such as [applicant’s] personnel records.” (JOINT EXH 2, p. 22-28.)

Next, there is a personnel file dated December 2, 2025 consisting of 142 PDF pages. (Applicant exhibit (APP EXH) 1.) The bulk of the exhibit consists of a “Supervisor’s file for [applicant] and DPSS 161.” (APP EXH 1, PDF p. 65-142.)

Finally, there is a separate exhibit also identified as excerpts from a personnel file dated December 2, 2025 consisting of 78 PDF pages. These pages duplicate the “Supervisor’s file” in APP EXH 1. (DEF EXH A.)

B.

On December 2, 2025, the first day of trial was held with the “Minutes of Hearing and Summary of Evidence” (FIRST MOH) providing that applicant, while employed through June 10, 2024 as a staff development officer by the County of Riverside, claimed to have sustained injury arising out of and in the course of employment to nervous system, stress, and psyche. Issues at trial included causation of injury with the defendant raising “the good faith personnel action defense and the statute of limitations.” (FIRST MOH p. 2, lns 4-7; 17-18; 23-24: p. 3, ln 1.)

Applicant testified in part that she began employment with defendant in 2015 and she received positive reviews for the first five years of her employment. She has a master’s degree in public administration. (FIRST MOH, p. 4, lns 11-24.) She worked with supervisor Manzo from 2020-2022 and her evaluations from Manzo were excellent. After that her supervisor was Howell. She had her first written discipline in July 2022 and she was put on a Performance Improvement Plan (PIP). (FIRST MOH, p. 5, lns 1-5; 15-16.)

The second day of trial occurred on January 27, 2026 with the “Minutes of Hearing (Further) and Summary of Evidence” (SECOND MOH) showing continued testimony from the applicant and testimony from Howell, who supervised applicant. Howell testified that she became applicant’s direct supervisor on June 30, 2022. (SECOND MOH, p. 4, lns 11-12.)

The final day of trial occurred on March 17, 2026 with “Minutes of Hearing (Further) and Summary of Evidence” (THIRD MOH), reflecting the continued testimony of Howell and then testimony from Manzo who was called by applicant. Manzo testified that she had worked for defendant county since 2003 and her position was staff development supervisor when she supervised the applicant. (THIRD MOH, p. 6, lns 6-8.) Manzo testified further that:

Her impression was [applicant] was very professional and competent and good with training and staff development, and she communicated well.

She supervised her from June 2020 to July 2022. During that period, she never had cause to discipline or write up [applicant]. She assessed performance in the two-year period was that she met expectations for County of Riverside employees.

(THIRD MOH, p. 6, lns 10-14.)

On May 19, 2026, the WCJ issued Findings and Orders (F&O), that found, as relevant here, applicant did not sustain injury AOE/COE.³ In the Opinion on Decision the WCJ referenced the report of PQME Dr. Chahal M.D., for his conclusions on percentages of causation. (Opinion on Decision, p. 3.) The WCJ then writes:

It appears that the actions of the County were conducted in good faith and not with any agenda or inherent and unreasonable dislike of [applicant].

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The testimony of [Howell] was specific, consistent, and she showed a good recollection of the events and actions involved in the discipline of [applicant]. [Howell] was considered credible.

The applicant testified to having difficulty completing tasks. Ms. Howell provided her with feedback and how to improve.

³ The WCJ’s findings also include that the “[i]ssue of statute of limitations is not necessary as no industrial injury was found *but the claim is not barred by the statute of limitations.*” (F&O, p. 1, emphasis added.) The Application here was filed nine days after the claimed injury date of June 19, 2024. Defendant’s Answer does not address limitations. As we are rescinding the F&O, we do not further discuss this issue beyond cautioning that the assertion of a position without merit may be sanctionable if not supported by a good faith argument. (Cal. Code Regs., tit. 8, § 10421(b)(6)(A).)

The performance reviews were considered personnel actions. It is found that at least 50% were justified personnel actions and performed in good faith by the employer. The good faith personnel actions constituted substantial cause. The claim is barred pursuant to Labor Code 3208.3(h). The defendant carried burden of showing a good faith personnel defense.

(Opinion on Decision, p. 4.)

The WCJ then turned to the good faith personnel action defense to conclude:

The fifty percent that comprised the performance improvement plant [sic] was considered actual events of employment, personnel actions and in good faith and non-discriminatory. The balance of the causation determined by Dr. Chahal were due to legitimate business purpose, in good faith, or unsupported by the facts of the case.

(Opinion on Decision, p. 5.)

It is from this F&O that applicant seeks reconsideration.

III.

The record consists of only one expert medical report from PQME Dr. Chahal. (JOINT EXH 2.)

Dr. Chahal reviewed 84 pages of documents, of which 79 were from applicant's deposition transcript. The remaining five pages were miscellaneous "medical records, including: *envelope, proof of service, declaration of defendant, and attorney letters.*" (JOINT EXH 2, pp. 1; 22-28.)

In Dr. Chahal's report it is noted that applicant was seen at urgent care in early 2023, "followed up with her primary care physician Dr. Sirisuk," "started therapy at Growth Therapy with different therapist at April Adams-Edwards, Dr. Latrina Morgan, and Harley Devine," and her current primary care doctor is Dr. Possagnoli. (JOINT EXH 2, p. 6-8.)

Dr. Chahal concluded the evaluation is final unless asked to review additional records, "*such as [applicant's] personnel records.*" (JOINT EXH 2, p. 28, emphasis added.)

At trial summarized interviews of Tanyel Butler and Nicolas Habash, and two exhibits identified as "personnel files" were placed into evidence. (DEF EXH B, C and A; APP EXH 1.) Testimony was received from the applicant, defense witness Howell, and applicant witness Manzo. (FIRST, SECOND and THIRD MOH.)

None of this evidence was provided to Dr. Chahal for review.

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, 281 [39 Cal.Comp.Cases 310]; *Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 317 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen's Comp. Appeals Bd.* (1970) 1 Cal.3d 627, 637 [35 Cal.Comp.Cases 16].)

“Where an issue is exclusively a matter of scientific medical knowledge, expert evidence is essential to sustain a [Appeals Board] finding; lay testimony or opinion in support of such a finding does not measure up to the standard of substantial evidence.” (*Peter Kiewit Sons v. I.A.C.* (1965) 234 Cal.App.2d 831, 838 [30 Cal.Comp.Cases 188].)

Causation of a cumulative psychiatric claim is quintessentially an issue that is a “matter of scientific medical knowledge” such that expert medical evidence is essential to sustain a finding. (*Peter Kiewit Sons, supra*, at p. 838.) Such expert medical opinion must be based on an adequate medical history, so the opinions provided are not based on surmise, speculation, conjecture, or guess. (*Hegglin v. Workmen's Comp. Appeals Bd.* (1971) 4 Cal.3d 162, 169 [36 Cal.Comp.Cases 93].) It follows that an expert medical opinion based on an inadequate history is not substantial evidence.

Despite the apparent existence of treatment records from urgent care, Dr. Sirisuk, Growth Therapy, April Adams-Edwards, Dr. Latrina Morgan, Harley Devine, and Dr. Possagnoli, *Dr. Chahal was provided with no treatment records to review.* (JOINT EXH 2, p. 7)

Although summarized witness statements from Tanyel Butler and Nicolas Habash existed before Dr. Chahal evaluated the applicant, *Dr. Chahal was not provided with these witness statements.* (DEF EXH B and C.)

In addition, at trial testimony was provided by witnesses Howell and Manzo, however *Dr. Chahal has not been provided with this testimony.* (SECOND MOH, p. 4 et seq; THIRD MOH)

Although the record contains documents exhibited as “personnel files,” these “*personnel files*” were not provided to Dr. Chahal. (APP EXH 1; DEF EXH A.)

We note these “personnel files” appear to be simply notes from supervisor Howell and it is unclear why both copies of these “personnel files,” consisting of 78 PDF pages each, were admitted.

Central to the issues here, however, are the performance improvement plans disciplining applicant. These plans would normally be part of the personnel file maintained by a human

resource department. It is baffling that the performance improvement plans are not part of the record, and that *Dr. Chahal has not been provided with the performance improvement plans nor applicant's actual personnel file.*

Because Dr. Chahal has not been provided with these treatment records, statements, testimony, and employment records, it is inescapably obvious that the doctor's opinions are not premised on a complete history. Dr. Chahal's opinions are therefore not substantial.

Because Dr. Chahal's opinions, through no apparent fault of Dr. Chahal, are not substantial medical evidence, and substantial medical evidence is required to support a finding on causation, we will rescind the F&O and return this matter for further proceedings so these items may be provided to the doctor.

We are taking this action because the WCJ and the Appeals Board have a duty to further develop the record where there is insufficient evidence on an issue. (*McClune v. Workers' Comp. Appeals Bd.* (1998) 62 Cal.App.4th 1117, 1121-1122 [63 Cal.Comp.Cases 261].) The Appeals Board has a constitutional mandate to "ensure substantial justice in all cases." (*Kuykendall v. Workers' Comp. Appeals Bd.* (2000) 79 Cal.App.4th 396, 403 [65 Cal.Comp.Cases 264].) The Board may not leave matters undeveloped where it is clear that additional discovery is needed. (*Kuykendall, supra*, page 404.)

The preferred procedure is to allow supplementation of the medical record by the physicians who have already reported in the case. (*McDuffie v. Los Angeles County Metropolitan Transit Authority* (2003) 67 Cal.Comp.Cases 138 (Appeals Board en banc).) If the supplemental opinions of the previously reporting physician do not or cannot cure the need for development of the medical record, the selection of an agreed medical evaluator (AME) by the parties should be considered. If none of the procedures outlined above is possible, the WCJ may resort to the appointment of a regular physician, as authorized by section 5701. (*McDuffie, supra*, pages 142-143.)

In the Answer, defendant attempts to place fault on applicant for any deficiency in the record by stating: "The Applicant had ample opportunity prior to submission to conduct additional discovery, depose the PQME, seek supplemental reporting, or otherwise develop the record regarding the alleged distinction between personnel actions and non-personnel stressors." (Answer, p. 7, lns 11-14.)

Defendant's position is unfounded. "[A] claims administrator must conduct a reasonable and timely investigation" of a claim and "must attempt to obtain the information needed to determine and timely provide each benefit." Indeed, the "*administrator may not restrict its investigation to preparing objections or defenses to a claim*, but must fully and fairly gather the pertinent information, whether that information requires or excuses benefit payment" and further the "*claimant's burden of proof before the Appeal Board does not excuse the administrator's duty to investigate the claim.*" (Cal. Code Reg., tit. 8, §§ 10109(a), (b), and (b)(1), emphasis added.) This duty is ongoing. (Cal. Code Reg., tit. 8, § 10109(c).)

In the California Workers' Compensation benefit delivery system, all parties are to develop evidence relevant to evaluating a claim, including defendant.

Providing treating records and witness statements to an evaluating medical examiner is foundational to creating a substantial record. This is true whether the ultimate determination results in an industrial or nonindustrial injury.

IV.

We also rescind the F&O because of an improper application of the relevant law.

If the threshold for a compensable psychiatric injury has been met under section 3208.3(b), and the employer has asserted that some of the actual events of employment were good faith personnel actions, the WCJ must determine whether section 3208.3(h) bars applicant's claim. But, the WCJ must first find that an applicant sustained a psychiatric injury. If there is no finding that an applicant sustained such an injury, it is not necessary to analyze whether compensability for it is barred.

Section 3208.3(h) provides that "[n]o compensation under this division shall be paid by an employer for a psychiatric injury if the injury was substantially caused by a lawful, nondiscriminatory, good faith personnel action. The burden of proof shall rest with the party asserting the issue." (Lab. Code, § 3208.3(h).) Section 3208.3(b)(3) defines substantial cause as "at least 35 to 40 percent of the causation from all sources combined."

A multilevel analysis is required when a psychiatric injury is alleged and the employer raises the affirmative defense of a lawful, nondiscriminatory, good faith personnel action. (*Rolda v. Pitney Bowes, Inc.* (2001) 66 Cal.Comp.Cases 241 (Appeals Board en banc).) The required analysis is as follows:

The WCJ, after considering all the medical evidence, and the other documentary and testimonial evidence of record, must determine: (1) whether the alleged psychiatric injury involves actual events of employment, a factual/legal determination; (2) if so, whether such actual events were the predominant cause of the psychiatric injury, a determination which requires medical evidence; (3) if so, whether any of the actual employment events were personnel actions that were lawful, nondiscriminatory and in good faith, a factual/legal determination; and (4) if so, whether the lawful, nondiscriminatory, good faith personnel actions were a “substantial cause” of the psychiatric injury, a determination which requires medical evidence. Of course, the WCJ must then articulate the basis for his or her findings in a decision which addresses all the relevant issues raised by the criteria set forth in Labor Code section 3208.3.

(*Id.*, at p. 247.) Steps 1 and 3 are the factual/legal issues for the WCJ to determine while steps 2 and 4 require substantial expert medical opinion.

Here the WCJ made no specific finding as to the threshold requirement that the claim involved “actual events of employment.” In the Opinion on Decision the WCJ provides the rather broad and vague assessment that:

The fifty percent that comprised the performance improvement plant [sic] was considered actual events of employment, personnel actions and in good faith and non-discriminatory. The balance of the causation determined by Dr. Chahal were due to legitimate business purpose, in good faith, or unsupported by the facts of the case.

(Opinion on Decision, p. 5.)

It may be reasonable to infer from the record that applicant’s injury was more than 50% caused by actual events of employment. The failure, however, to make a specific finding on the total percentage caused by actual events of employment leaves the reader to infer the overall percentage. This is error as it bypasses the first step in *Rolda*.

Furthermore, the WCJ utilized the percentage breakdown of each individual event, as provided by the QME for later steps in the *Rolda* analysis, to assess predominant cause. (See Opinion on Decision, at pp. 3–4.) However, the question at the first stage of the analysis is simply *are actual events of employment the predominant cause of injury*. This determination is separate from the later determination of the degree to which *good faith personnel actions contributed to the injury*. (Lab. Code, § 3208.3(b)(1); *Rolda*, supra, at p. 246.)

In addition, it appears that after hearing testimony the WCJ disagreed with the accuracy of at least some of events that had been presented to the QME by the applicant, and therefore with

the factual predicates that served as a foundation for the QME's medical reporting. A WCJ may find different facts than those relied upon by the QME, and, to the extent that those differing facts are based upon the WCJ's credibility determinations, those determinations should be afforded great weight because the WCJ had the opportunity to observe the witnesses. (*Garza v. Workmen's Comp. Appeals Bd.* (1970) 3 Cal.3d 312, 319 [35 Cal.Comp.Cases 500].)

Such determinations, however, must be based on substantial evidence and the resulting decision must clearly and concisely set forth the WCJ's findings. (*Hamilton v. Lockheed Corporation* (2001) 66 Cal.Comp.Cases 473, 475 (Appeals Board en banc).) This is doubly true in cases involving a *Rolda* analysis because if the WCJ disagrees with the factual predicates underlying the QME's medical judgements, it will be necessary to further develop the record by having the QME reconsider the case based on the actual events of employment as determined by the WCJ.

Moreover, to the extent that the QME's conclusions were based on an inaccurate understanding of the actual events of employment, that would naturally call into question the validity of the QME's apportionment to each factor as well. Accordingly, utilization of these individual factor percentages to determine predominant cause was legal error.

We also note the lack of any finding specifying the actual discrete employment events that were lawful, nondiscriminatory and in good faith. The Opinion on Decision generally contains only sweeping and conclusory statements on this point without identifying how each action was or was not a personnel action.

A personnel action is defined as:

[C]onduct either by or attributable to management including such things as done by one who has the authority to review, criticize, demote, or discipline an employee. It is not necessary for the personnel action to have a direct or immediate effect on the employment status. Personnel actions may include but are not necessarily limited to transfers, demotions, layoffs, performance evaluations, and disciplinary actions such as warnings, suspensions, and terminations of employment.

(*Larch v. Contra Costa County* (1998), (Significant panel decision), 63 Cal.Comp.Cases 831, 835.)

It is incumbent on the trier of fact to explain, with reference to the record, why specific employment actions listed as being causative were or were not found to be personnel actions as described in *Larch*. Such explanation is required by section 5313 and as explained in *Hamilton* "the WCJ is charged with the responsibility of referring to the evidence in the opinion on decision,

and of clearly designating the evidence that forms the basis of the decision.” (*Hamilton, supra*, at p. 475.)

After determining Howell credible, the WCJ did not discuss how that credibility determination impacted specific findings as to the actual events of employment or good faith personnel actions. In discussing injury AOE/COE the WCJ simply states: “The testimony of [Howell] was specific, consistent, and she showed a good recollection of the events and actions involved in the discipline of [applicant]. [Howell] was considered credible.” (Opinion on Decision, p. 4.)

Further, there was no discussion of how the evidence supported this credibility assessment.

For example, the record appears uncontradicted that before Elizabeth Howell became her supervisor applicant satisfactorily performed her job duties.

Tanyel Butler supervised the applicant for about two months until Howell became her supervisor and had no concerns with the claimant’s job performance. (DEF EXH B, p. 1.) When Nicolas Habash worked with applicant as a team “everything was fine.” (DEF EXH C, p. 2.) Applicant testified she has a master’s degree in public administration and received positive reviews until her first written discipline in July 2022. (FIRST MOH pp. 4-5.) Manzo testified that applicant was very professional, competent, good with training and staff development, and Manzo never had cause to discipline or her write up. (THIRD MOH, p. 6, lns 10-17.)

Howell testified she became applicant’s supervisor on June 30, 2022. (SECOND MOH, p. 4, lns 11-13.) It appears Howell became applicant’s supervisor no more than one month before applicant was provided with her first written discipline in July of 2022. It appears unclear from the record if that was sufficient time for Howell to assess if applicant warranted written discipline.

Admittedly the presentation of evidence discussed here is limited and may lack nuance. It would seem probable, however, that an applicant with a master’s degree in public administration and a proven track record of good performance would have a baseline of satisfactory job performance. It is important, however, that unlike in the Opinion on Decision, all of the relevant parts of the record are considered and discussed when making a finding, even a finding of credibility.

As another example, Dr. Chahal recorded that the applicant sought care at urgent care in early 2023 when she was placed off work for five days. (JOINT EXH 2, p. 7.) We are unable to discern if applicant was taken off work in early 2023 for the claimed industrial injury, and if so,

the significance of this time off work to applicant's claim. It appears the applicant continued to work through June 10, 2024. (FIRST MOH p. 2, lns 4-7.) These dates of time off are potentially important parts of the record to be considered by both the medical expert and the trier of fact.

Any determination of actual events of employment or personnel actions should, of course, include discussion of the evidence identified here as well as any other relevant evidence of record. Given our disposition, and having illustrated the general point, we see no need to belabor the issue with an extended discussion of other possible relevant items in the record.

Without a more comprehensive discussion of the relevant evidence, we must rescind the F&O. (*Hamilton, supra*, at p. 475.)

V.

We express no opinion on the ultimate outcome of any issue presented. On return it will be necessary to provide the additional evidence identified in this opinion to the medical expert so that an expert medical opinion based on a correct history may be provided before there are any further proceedings.

Following our independent review of the record, and for the reasons stated above, we grant applicant's June 2, 2026 Petition for Reconsideration and rescind the June 2, 2026 Findings and Order.

For the foregoing reasons,

IT IS ORDERED that applicant's June 2, 2026 Petition for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the June 2, 2026 Findings and Orders issued by the WCJ is **RESCINDED** and the matter is **RETURNED** to the WCJ for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ PAUL F. KELLY, COMMISSIONER

KATHERINE A. ZALEWSKI, CHAIR
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 3, 2026

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

CARLA JONES
LAW OFFICES OF ROBERT OZERAN
HANNA BROPHY

PS/oo

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