

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

CATARINO MARTIN, *Applicant*

vs.

**J&L RECREATION VEHICLE, INC.; EMPLOYERS PREFERRED INSURANCE
COMPANY; SUBSEQUENT INJURIES BENEFITS TRUST FUND, *Defendants***

**Adjudication Numbers: ADJ4486822, ADJ1441841, ADJ2562913, ADJ3620272
Pomona District Office**

**OPINION AND ORDER
DENYING PETITION
FOR REMOVAL**

Applicant has filed a petition for removal from the order taking the matter off calendar issued on March 4, 2026, by the workers' compensation administrative law judge (WCJ).

Applicant contends that the matter is ready to proceed to trial and that the WCJ failed to make a proper record in ordering the matter off calendar.

We have received an Answer from defendant. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal.

We have considered the allegations of the Petition for Removal, the Answer, and the contents of the WCJ's Report. Based on our review of the record and based upon the WCJ's analysis of the merits of petitioner's arguments in the WCJ's Report, we will deny removal.¹

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155]; *Kleemann v. Workers' Comp. Appeals Bd.* (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner

¹ The WCJ further noted in the Report that applicant's initial petition for removal was neither signed, nor verified. Thereafter, applicant filed an amended petition curing these defects.

ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).) Here, based upon the WCJ's analysis of the merits of petitioner's arguments, we are not persuaded that substantial prejudice or irreparable harm will result if removal is denied and/or that reconsideration will not be an adequate remedy if the matter ultimately proceeds to a final decision adverse to petitioner.

At this point in the proceedings, applicant may simply refile the declaration of readiness to obtain a new hearing, if applicant is still ready to proceed. If another hearing is requested, we would encourage the WCJ to work with the parties to bring this matter to trial as soon as possible.

Accordingly, we deny removal.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Removal from the order taking the matter off calendar issued on March 4, 2026, by the WCJ is **DENIED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 5, 2026

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

**CATARINO MARTIN
HINDEN BRESLAVSKY
HANNA BROPHY
DIETZ GILMOR
OFFICE OF THE DIRECTOR-LEGAL UNIT (LOS ANGELES)**

EDL/mt

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