

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

CHRIS DAVIES, *Applicant*

vs.

**MORAGA ORINDA FIRE DISTRICT, permissibly self-insured,
administered by ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Number: ADJ21271903
Oakland District Office**

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

Defendant has filed a petition for removal from the order of submission issued on April 9, 2026, by the workers' compensation administrative law judge (WCJ).

Defendant contends that the matter is not ripe for adjudication.

We have received an Answer from applicant. The presiding WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we grant removal and rescind the order of submission as the WCJ who conducted the expedited hearing is no longer available to issue a decision in this matter. The presiding WCJ requests return of this matter to the trial level for reassignment.

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 for the reasons stated in the WCJ's Report, we will grant removal and as our Decision After Removal, we will rescind the April 9, 2026 order of submission and return this matter to the presiding WCJ for reassignment.

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 ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).)

The points raised by defendant in its petition go to the merits of the issue submitted. These points could have been raised on reconsideration after a decision issued. However, and notwithstanding defendant's petition, the WCJ who tried and submitted the matter is no longer available to issue a decision. Accordingly, the proper procedure is to rescind the WCJ's order of submission and return the matter to the presiding WCJ for reassignment.

Accordingly, we grant removal and as our Decision After Removal, we rescind the order of submission issued on April 9, 2026.

For the foregoing reasons,

IT IS ORDERED that the Petition for Removal from the order of submission issued on April 9, 2026, by the WCJ is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the order of submission issued on April 9, 2026, by the WCJ is **RESCINDED** and this matter is **RETURNED** to the presiding WCJ for reassignment.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 20, 2026

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

**CHRIS DAVIES
RAINS LUCIA
KEVIN KIM
LAUGHLIN FALBO
CALIFORNIA PUBLIC SAFETY ADMIN JACKSON**

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*