

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

CHRISTINE DURHAM, *Applicant*

vs.

**SEQUOIA ONE PEO, LLC; VERCEL, INC.; AIU INSURANCE COMPANY; CHUBB
NATIONAL INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ19890995
Van Nuys District Office**

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

Applicant has filed a petition for removal from the Order Suspending Action on Compromise and Release (OSA) issued on April 21, 2026, by the workers' compensation administrative law judge (WCJ).

Applicant contends that the OSA exceeds the scope of permissible settlement review and that sufficient information has already been provided to determine adequacy.

We have not received an Answer from defendant. The WCJ has not filed a Report and Recommendation on Petition for Removal (Report).

We have considered the allegations of the Petition for Removal. Based on our review of the record and pursuant to the en banc decision in *Gaines, et. al., v. ABM Aviation, Inc., et. al.* (2026) 91 Cal.Comp.Cases ____; 2026 Cal. Wrk. Comp. LEXIS 32 (Appeals Board en banc), we will grant removal and as our Decision After Removal, we will rescind the April 21, 2026 OSA, order that the WCJ in this matter is disqualified, and return this matter to the presiding judge who may reassign it to another trial level judge who may then conduct adequacy review of the proposed settlement and create a record supporting the decision on adequacy.

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).)

Decisions of the Appeals Board “must be based on admitted evidence in the record.” (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Board en banc).) Furthermore, 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 [39 Cal.Comp.Cases 310]; *Garza v. Workmen’s Comp. Appeals Bd.* (1970) 3 Cal.3d 312 [35 Cal.Comp.Cases 500]; *LeVesque v. Workmen’s Comp. Appeals Bd.* (1970) 1 Cal.3d 627 [35 Cal.Comp.Cases 16].) An adequate and complete record is necessary to understand the basis for the WCJ’s decision. (Lab. Code, § 5313; see also Cal. Code Regs., tit. 8, § 10761.)

Here, the WCJ is the same WCJ who was subject to disqualification in the recent en banc decision in *Gaines* and the reasons for disqualification and rescinding the OSA in this case are the same for each of the cases discussed in *Gaines*. Thus, the result reached in *Gaines* applies equally to this case.

Accordingly, we grant applicant’s petition for removal and as our Decision After Removal, we rescind the April 21, 2026 OSA, and return this matter to the presiding judge so that the matter may be reassigned to another trial level judge who may then conduct adequacy review of the proposed settlement and create a record supporting the decision on adequacy.

For the foregoing reasons,

IT IS ORDERED that applicant’s Petition for Removal from the Order Suspending Action on Compromise and Release issued on April 21, 2026, by the workers’ compensation administrative law judge is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers’ Compensation Appeals Board that the Order Suspending Action on Compromise and Release issued on April 21, 2026, by the workers’ compensation administrative law judge is **RESCINDED**.

IT IS FURTHER ORDERED that on motion of the Workers’ Compensation Appeals Board, WCJ Karinne Aslanian is **DISQUALIFIED** from further proceedings in this matter.

IT IS FURTHER ORDERED that this case is **RETURNED** to the Presiding WCJ to assign a new WCJ for further proceedings consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JULY 31, 2026

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

**CHRISTINE DURHAM
ABRAMSON LABOR GROUP
BENTHALE MCKIBBIN
HERMANSON GUZMAN**

EDL/mt

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