

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

**ENRIQUE CONTRERAS, *Applicant***

**vs.**

**ALBERTO CHAVEZ and LIBIA CHAVEZ, dba REYES TRUCKING, INC.  
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ10922077  
Pomona District Office**

**OPINION AND ORDER  
GRANTING PETITION FOR  
RECONSIDERATION  
AND ORDER TO OBTAIN TRANSCRIPT**

Applicant seeks reconsideration of the Findings and Order (F&O) issued on November 26, 2025. The workers' compensation administrative law judge (WCJ) found, in relevant part, that applicant did sustain an industrial injury arising out of and occurring in the course of employment (AOE/COE) to his left shoulder, right shoulder, lumbar spine, and left leg, but did not sustain an industrial injury to his circulatory system or psychiatric injury. The WCJ also found that applicant will require further medical treatment including treatment for the uncontrolled diabetes in order to enable necessary surgery to proceed.

Applicant contends that at trial and on the record, the court agreed to take judicial notice of a recently filed "Petition for Order Compelling the Medical Unit to Issue Additional Panel QME list in Psychology, Internal Medicine, and Endocrinology." However, according to Applicant, the Minutes of Hearing (MOH) and the F&O failed to address the petition, which constitutes judicial error resulting in an incomplete record. Applicant further contends that a Utilization Review certification of a psychiatric evaluation dated November 11, 2025 was newly discovered evidence and should be considered pursuant to Cal. Code Regs., tit. 8 §10974.

Defendant filed an Answer. The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending denial of the Petition.

We have considered the allegations of the Petition for Reconsideration, the Answer, and the contents of the Report of the WCJ with respect thereto. Based on our preliminary review of the record, and for the reasons discussed below, we will grant reconsideration to issue an order pursuant to WCAB Rule 10800 that the proceedings and testimony from the November 5, 2025 trial in this matter be transcribed and promptly filed in the Electronic Adjudication Management System (EAMS), with simultaneous notice of the filing to all active parties and the Workers' Compensation Appeals Board, Office of the Commissioners. Thereafter, the parties shall have twenty days from receipt of the trial transcript, plus any applicable days for mailing, in which to file supplemental pleadings in EAMS.

Our order granting the Petition for Reconsideration is not a final order, and we will order that a final decision after reconsideration is deferred pending further review of the merits of the Petition for Reconsideration and further consideration of the entire record in light of the applicable statutory and decisional law, to include any supplemental pleadings filed by the parties following receipt of the trial transcript. Once a final decision after reconsideration is issued by the Appeals Board, any aggrieved person may timely seek a writ of review pursuant to Labor Code<sup>1</sup> section 5950 et seq.

### FACTS

An Application for Adjudication of Claim (Application) was filed on June 29, 2017, alleging that applicant sustained industrial injury AOE/COE on September 17, 2016, to the mid/low back, and the left leg inclusive of ankle, foot and toes. The Application was amended on February 19, 2019, to add psychiatric injury. On June 9, 2020, the Application was amended again to include bilateral shoulders and hands and amended once more on September 24, 2020 to include "801 Circulatory System- High Blood Pressure/Diabetes."

Applicant was seen by two Qualified Medical Evaluators (QMEs), David Albin, M.D., in the specialty of Vascular Surgery and David H. Doty, M.D., in the specialty of Orthopedic surgery. Each doctor issued several reports and was deposed.

Dr. Albin found that the applicant's peripheral vascular disease was not caused by the industrial injury. (Joint 1.) He remarked in his report dated November 28, 2023:

"The patient is having numerous complications of diabetes including retinopathy, diabetic foot, foot ulcer, neuropathy. Diabetic affects microvascular disease. The acupuncture may have caused an infection. The infection may have become worse

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<sup>1</sup> All further references are to the Labor Code unless otherwise noted.

as a result of diabetes. Consider consulting an endocrinologist to determine if there is a relationship due to the acupuncture and diabetes.” (Joint 1, 11/28/2023, at p. 11)

In his deposition, Dr. Albin was asked to comment on the cause of applicant’s high blood pressure and diabetes, to which he would not provide an answer and deferred to an internist. (Joint 1, Deposition 05/11/2023, at pp. 12:3-15 and 13:13-10.)

The orthopedist, Dr. Doty, found industrial causation for injury to the left shoulder, low back, and left below knee amputation. (Joint 2, 07/09/2019, at p. 11.) In his report dated July 16, 2024, he discussed possible aggravation of applicant’s diabetes and peripheral vascular disease as a result of the industrial injury concluding that it should be left to the trier of fact but felt that there was an indication of industrial causation. (Joint 2, 07/16/2024, at p. 3.) In later reports, he also found an injury to the right shoulder to be the result of the industrial injury. (Joint 2, 08/06/2022.) Dr. Doty commented in a deposition on January 28, 2021 that he would defer the case to an internist for an opinion “as to diabetes and the trauma.” (Joint 2, Deposition Dr. David Doty, 01/28/2021, at p. 9:12-21.)

On July 17, 2025, applicant’s counsel filed a Declaration of Readiness to Proceed (DOR) requesting a Priority Conference, to address the issues of AOE/COE, and future medical treatment. The DOR notes, “ON 09272024 AND 03122025 AA ASKED SCIF ADJUSTER TO ADMIT ALL BODY PARTS FOUND INDUSTRIAL TO DATE PER QMES DOTY AND ALBIN. SCIF HAS MAINTAINED ITS DENIAL PREVENTING THE APPLICANT FROM RECEIVING TREATMENT FOR HIS LEG AMPUTATION. AA REQUESTS TRIAL ON NATURE AND EXTENT OF INJURY. PSYCHE TO BE DEFERRED PENDING MEDLEGAL EVAL AS CARRIER HAS DENIED PSYCH EVAL WITHIN MPN.”

The DOR indicates declarant was relying on the reporting of David Doty, M.D., dated August 2, 2022. On August 13, 2025, applicant’s counsel filed a request for withdrawal of their DOR, advising that the matter was selected on an incorrect conference request, and requested that the hearing set of August 13, 2025 be taken off calendar. At the Priority Conference on August 13, 2025, defendant appeared, and the matter was ordered off calendar based upon the withdrawal of the DOR by applicant.

Thereafter, on August 13, 2025, applicant filed a DOR requesting a Mandatory Settlement Conference (MSC) to address the issues of Compensation Rate, Temporary Disability, AOE/COE,

Rehabilitation/SJDB, Self-procured Medical Treatment, and Future Medical Treatment. The DOR included the same declaration as the July 17, 2025 DOR.

On August 22, 2025, defendant filed an objection to the DOR filed by applicant's attorney, asserting that immediately after the August 13, 2025 conference, applicant filed another DOR, defectively served, with the same information, and that the matter should not be set for hearing, as discovery was incomplete.

Thereafter, the matter was set for an MSC on September 17, 2025. At the MSC, the case was continued to trial over defendant's objection. The minutes allowed defendant to file a Pre-Trial Conference Statement (PTCS) by September 26, 2025 in response to the PTCS already filed by applicant. The original PTCS signed by both parties and submitted on September 26, 2025 prior to trial notes, in relevant part, "Per Labor Code sec. 3208.3(d) defendant objects to med legal exam re: psyche as applicant did not work for the employer for at least 6 months. SCIF has maintained its denial preventing the Applicant from receiving treatment for denied body parts. AA requests trial on nature and extent of injury. Psyche to be deferred pending med legal eval as carrier has denied psyche evaluation within MPN. Discovery be left open for defense vocational examination. Defendant objects to admission of Mr. Stoneburner's report as discovery is incomplete re this issue."

The trial went forward on November 5, 2025. On that date, the PTCS was amended to specifically list the body parts injured in dispute, and exclude the language cited above, with the exception of the issue of section 3208.3(d) and the defense of the six-month rule for psyche injuries. The issues to be decided at trial were outlined in the MOH were listed as:

1. Body parts injured, nature and extent: left leg below the knee amputation, back, left knee, left ankle, left foot, left toes, psyche, right shoulder, right hand, and circulatory system.
2. Whether there is a need for future medical treatment.
3. Attorney fees under Labor Code section 3208.3(d).
4. Whether the six-month rule for psychiatric injuries applies.

(MOH, November 5, 2025, p. 2:18-23.)

The MOH also state, "Let the minutes reflect that defendant's objection is noted and is overruled at this time. The Court will consider it and will give it whatever weight it is due. Applicant's 1 through 3 are admitted into evidence." The MOH also state, "Let the minutes further reflect that the Court will take judicial notice of the pleadings." (MOH, 4:5.) There is no specification as to the pleadings for which judicial notice is being taken.

On November 19, 2025, the WCJ issued the F&O finding:

1. ENRIQUE CONTRERAS born on [], while employed on September 17, 2016 as a Truck Driver at Tulare, California, by ALBERTO CHAVEZ AND LIBIA CHAVEZ dba REYES TRUCKING INC, whose workers' compensation insurance carrier was STATE COMPENSATION INSURANCE FUND, sustained injury arising out of and occurring in the course of employment to his Left Shoulder, Right Shoulder, Lumbar Spine, and Left Leg (below the knee amputation), but did not sustain industrial injury arising out of and occurring in the course of employment to his circulatory system or any psychiatric injury.
2. Applicant WILL require further medical treatment to cure or relieve from the effects of this injury, including treatment for the nonindustrial uncontrolled diabetes in order to enable necessary surgery to proceed.
3. The reasonable value of the services and disbursements of applicant's attorney is deferred.

The WCJ further Ordered as follows:

The parties are Ordered to complete further discovery on all remaining issues.

(F&O, November 19, 20245, pp. 1-2.)

In her Opinion on Decision (Opinion), the WCJ noted that she found Dr. Albin's reporting to be persuasive that the applicant's peripheral vascular disease (circulatory system) did not result from the industrial injury. She did not address causation for hypertension or diabetes separately. She also opined that no evidence supporting psychiatric injury was admitted and therefore, there was no substantial medical evidence to support a psychiatric injury. Further, because neither party offered evidence to support a period of employment less than six months, she could not make a ruling on the applicability of the affirmative defense to psychiatric injury outlined in Labor Code section 3208.3(d).

Applicant filed his Petition on December 16, 2025. In the Petition, applicant alleges, "At that trial, on the record, applicant's attorney expressly requested that the judge take judicial notice of a recently filed Petition for Order Compelling the Medical Unit to Issue Additional QME Panels in the specialties of Psychology, Internal Medicine, and Endocrinology. The WCJ acknowledged this request at trial and indicated that judicial notice of the petition would be taken." (Petition, 2:13-16.)

In the Report, the WCJ addresses applicant's contention stating:

The matter was then submitted without testimony, with the trial starting at 9:42 am and ending at 9:55 am. MOH November 5, 2025 (later amended to correct an exhibit numbering issue).

At 10:29 am on November 5, 2025, half an hour after the trial concluded, applicant's counsel filed a petition for three additional panels. EAMS ID 6-943551. The document is dated November 5, 2025. As such, applicant's statement that they requested the court take judicial notice of the petition at trial is patently false. There was no petition at that time to take judicial notice of, and it could not have been included in the summary of evidence as it did not yet exist at the time of trial. No objection to the Minutes of Hearing/Summary was ever filed outside of the instant Petition for Reconsideration.

The court recalls having a limited discussion on this issue, pointedly asking if there was a petition, to which the answer was negative and why it hadn't been raised at the MSC or the PTCS that applicant's counsel drafted. There was no adequate answer to this and so the court proceeded to trial on the issues framed at the MSC.

(Report, p. 2.)

## DISCUSSION

### I

Former section 5909 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. (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.

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 December 22, 2025 and 60 days from the date of transmission is February 20, 2026. This decision is issued by or on February 20, 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 act on a petition. Section 5909(b)(2) provides that service of the Report and Recommendation shall be notice of transmission.

Here, according to the proof of service for the Report and Recommendation by the workers' compensation administrative law judge, the Report was served on December 22, 2025 and the case was transmitted to the Appeals Board on December 22, 2025. 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 December 22, 2025.

## II

It is a longstanding principle that all parties to workers' compensation proceedings retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions. (*Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157–158 [65 Cal.Comp.Cases 805].) A fair hearing includes, but is not limited to, the opportunity to call and cross-examine witnesses; introduce and inspect exhibits; and to offer evidence in rebuttal. (*Gangwish v. Workers' Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584]; *Rucker*, supra, at p. 157-158.)

Section 5313 provides:

The appeals board or the workers' compensation judge shall, within 30 days after the case is submitted, make and file findings upon all facts involved in the controversy and an award, order, or decision stating the determination as to the rights of the parties. Together with the findings, decision, order or award there shall be served upon all the parties to the proceedings a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made.

(Lab. Code, § 5313.)

Thus, the statutory framework provided by the legislature for adjudicating workers' compensation claims utilizes a summary of the proceedings, rather than a transcript.

Workers' Compensation Appeals Board (WCAB) Rule 10800 (Cal. Code Regs., tit. 8, § 10800) further provides:

Testimony taken at hearings will not be transcribed except upon the written request of a party accompanied by the fee prescribed in the Rules of the Administrative Director, or unless ordered by a commissioner, a deputy commissioner or presiding workers' compensation judge. Any written request shall be served on all parties.

Here, there is a fundamental dispute as to what transpired during the trial. Applicant alleges that they asked the WCJ to consider his petition for additional panels and that the WCJ agreed to do so. The WCJ contends that not only was there no petition filed at the time of the trial but that applicant's counsel admitted that there was no petition filed. As a result, she submitted the matter as there was no pending petition. To better understand the procedural posture of this case and ensure due process is fairly considered a transcript of the November 5, 2025 trial proceedings is appropriate and warranted.<sup>2</sup>

Pursuant to WCAB Rule 10800 (Cal. Code Regs., tit. 8, § 10800), we are authorized to issue an order that the transcript from the November 5, 2025 trial in this case be transcribed. Given the complexity of the factual disputes in this case, and for the reasons described above, an accurate transcription of the trial is necessary for a full and fair adjudication of applicant's Petition for Reconsideration.

Accordingly, reconsideration is granted to issue an order pursuant to WCAB Rule 10800 that the proceedings and testimony from the November 5, 2025 trial in this matter be transcribed and promptly filed in EAMS, with simultaneous notice of the filing to all active parties and the Workers' Compensation Appeals Board, Office of the Commissioners.

Thereafter, all parties shall have twenty days from receipt of the transcript plus additional days for mailing as set forth in WCAB Rule 10605 (Cal. Code Regs., tit. 8, § 10605) in which to file supplemental petitions, at the parties' discretion. Should a party choose to file a supplemental petition, said petition shall comply with WCAB Rule 10964 (Cal. Code Regs., tit. 8, § 10964.)

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<sup>2</sup> Additionally, there may be some concern about possible ethical violations in terms of candor to the court.

We emphasize that this is not a final decision on the merits of the Petition for Reconsideration, and we will order that issuance of the final decision after reconsideration is deferred. Once a final decision is issued by the Appeals Board, any aggrieved person may timely seek a writ of review pursuant to Labor Code sections 5950 et seq.

### III

We will preliminarily address some of the overall problems with the record. Though it appears that Applicant requested to proceed to trial without the appropriate medical legal evaluations, specialties, and reports in hand, it is well established that decisions and awards by 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].) “The term ‘substantial evidence’ means evidence which, if true, has probative force on the issues. It is more than a mere scintilla and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion...It must be reasonable in nature, credible, and of solid value.” (*Braewood Convalescent Hospital v. Workers' Comp. Appeals Bd. (Bolton)* (1983) 34 Cal.3d 159, 164 [48 Cal.Comp.Cases 566], emphasis removed and citations omitted.)

Turning first to the psychiatric dispute, section 3208.3(d) provides, in pertinent part, that “no compensation shall be paid pursuant to this division for a psychiatric injury related to a claim against an employer unless the employee has been employed by that employer for at least six months. The six months of employment need not be continuous.” (§ 3208.3(d).) This provision applies to psyche claims pled as a compensable consequence of a physical injury. (*Wal-Mart Stores, Inc. v. Workers' Comp. Appeals Bd. (Garcia)* (2003) 112 Cal.App.4th 1435 [68 Cal.Comp.Cases 1575].)

Section 5705 states that the “burden of proof rests upon the party or lien claimant holding the affirmative of the issue.” (§ 5705.) Applicant thus bears the initial burden of proving his injury arose out of and in the course of her employment. (*South Coast Framing v. Workers' Comp. Appeals Bd. (Clark)* (2015) 61 Cal.4th 291, 297–298, 302; § 3600(a).) Once he has met that burden, the burden shifts to defendant to prove any alleged affirmative defenses to the injury.

Setting aside the dispute related to additional panels, the additional issues listed on the MOH included, “whether the six-month rule for psychiatric injuries applies.” It is unclear what

prompted applicant to abandon their original position deferring psyche injury pending evaluation, which was listed in the originally filed PTCS, but subsequently removed from the PTCS amended on the day of trial. While we note that defendant objected to a psychiatric medical legal examination on the basis that the six-month rule set forth in section 3208.3(d) barred applicant from obtaining a medical legal evaluation, this is procedurally inaccurate as applicant *first* has the burden of proof that there is an industrially related psychiatric injury. Injury can only be proven with substantial medical reporting which can include a medical legal evaluation. Only after that burden is met, can defendant assert the six-month bar, and the applicant can thereafter assert whether there is an exception to this bar.<sup>3</sup> Thus, the record is incomplete here as upon preliminary review, it appears applicant is entitled to obtain a psychiatric evaluation.

Likewise, with regard to the circulatory issues alleged, the record also appears incomplete. The difficulty in this claim is that the term circulatory appears to be used for three separate conditions applicant may have: peripheral vascular disease, hypertension/high blood pressure, and diabetes. Dr. Albin provided a medical legal evaluation that addressed the peripheral vascular disease. In his deposition and one of his reports, he declined to comment on causation for either diabetes or hypertension indicating that an internal or endocrinology specialist would be the appropriate specialty. Dr. Doty, the orthopedist, likewise deferred to internal or endocrinology for medical legal issues relating to diabetes.

Based on our preliminary review, we are not persuaded that the record is properly developed. Where the evidence or opinion on an issue is incomplete, stale, and no longer germane, or is based on an inaccurate history, or speculation, it does not constitute substantial evidence. (*Place v. Workers' Comp. Appeals Bd.* (1970) 3 Cal.3d 372 [35 Cal.Comp.Cases 525]; *Escobedo v. Marshalls* (2005) 70 Cal.Comp.Cases 604, 621 (Appeals Board en banc).) The function of the court on review is to determine whether the evidence, if believed, is substantial and supports the findings. (*Le Vesque v. Workers' Comp. Appeals Bd.* (1970) 1 Cal. 3d 627 [35 Cal.Comp.Cases 16]; *Foster v. Ind. Acci. Com.* (1955) 136 Cal. App. 2d 812, 816.) Here, upon preliminary review, we are not persuaded that there is substantial evidence to support the WCJ's decision.

The Appeals Board has a constitutional mandate to “ensure substantial justice in all cases” and may not leave matters undeveloped where it is clear that additional discovery is needed.

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<sup>3</sup> Although section 3208.3(d) was at issue, defendant offered no proof, testimony or otherwise, that applicant was employed less than six months.

*(Kuykendall v. Workers' Comp. Appeals Bd. (2000) 79 Cal.App.4th 396, 403-404 [65 Cal.Comp.Cases 264].)* The “Board may act to develop the record with new evidence if, for example, it concludes that neither side has presented substantial evidence on which a decision could be based, and even that this principle may be appropriately applied in favor of the employee.” *(San Bernardino Cmty. Hosp. v. Workers' Comp. Appeals Bd. (McKernan) (1999) 74 Cal.App.4th 928, 937-938 [64 Cal.Comp.Cases 986].)* The preferred procedure to develop a deficient record 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 (2002) 67 Cal.Comp.Cases 138 (Appeals Board en banc).)*

Here, with respect to the issues raised in the Petition, including the additional issue raised by petitioner of newly discovered evidence, we believe that a review the trial transcript with the option to file supplemental pleadings responsive to the transcript will afford the parties additional due process and provide for a just and reasoned decision based on the entire evidentiary record. *(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].)*

Accordingly, reconsideration is granted to issue an order pursuant to WCAB Rule 10800 that the proceedings and testimony from the November 5, 2025 trial in this matter be transcribed and promptly filed in the EAMS, with simultaneous notice of the filing to all active parties and the Workers' Compensation Appeals Board, Office of the Commissioners.

Thereafter, all parties shall have twenty days from receipt of the transcript plus additional days for mailing as set forth in WCAB Rule 10605 (Cal. Code Regs., tit. 8, § 10605) in which to file supplemental petitions, at the parties' discretion. Should a party choose to file a supplemental petition, said petition shall comply with WCAB Rule 10964 (Cal. Code Regs., tit. 8, § 10964.)

We emphasize that this is not a final decision on the merits of the Petition for Reconsideration, and we will order that issuance of the final decision after reconsideration is deferred. Once a final decision is issued by the Appeals Board, any aggrieved person may timely seek a writ of review pursuant to Labor Code sections 5950 et seq.

For the foregoing reasons,

**IT IS ORDERED** that defendant's Petition for Reconsideration of the Findings of Fact issued by a workers' compensation administrative law judge on December 22, 2025 is **GRANTED**.

**IT IS FURTHER ORDERED** that the proceedings and testimony from the February 13, 2024 trial in this matter be transcribed pursuant to WCAB Rule 10800 and promptly filed in the Electronic Adjudication Management System, with simultaneous notice of the filing to all active parties and the Workers' Compensation Appeals Board, Office of the Commissioners.

**IT IS FURTHER ORDERED** that all parties shall have twenty days from receipt of the transcript plus additional days for mailing as set forth in WCAB Rule 10605 (Cal. Code Regs., tit. 8, § 10605) in which to file supplemental petitions, at the parties' discretion. Should a party choose to file a supplemental petition, said petition shall comply with WCAB Rule 10964 (Cal. Code Regs., tit. 8, § 10964.)

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ KATHERINE A. ZALEWSKI, CHAIR**

**I CONCUR,**

**/s/ KATHERINE WILLIAMS DODD, COMMISSIONER**

**ANNE SCHMITZ, DEPUTY COMMISSIONER**  
**CONCURRING NOT SIGNING**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**FEBRUARY 20, 2026**

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

**ENRIQUE CONTRERAS  
PEREZ LAW, PC  
STATE COMPENSATION INSURANCE FUND**

**TF/md**

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