

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

JEANETTE MATLOCK, *Applicant*

vs.

**LONE WOLF BREWING CO LLC;
PACIFIC COMPENSATION INSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ21267547
Van Nuys District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On March 11, 2026, a workers' compensation administrative law judge (WCJ) executed an order approving a compromise and release (OACR) and designated service to defendant.

On March 23, 2026, defendant timely filed a Petition for Reconsideration.

On April 15, 2026, the WCJ issued a Report and Recommendation (Report), recommending that we deny the Petition for Reconsideration. The WCJ did not set a hearing to address whether the Compromise & Release (C&R) should be set aside.

On April 29, 2026, the parties submitted an amended C&R.

On May 4, 2026, the WCJ issued an amended OACR.

Turning first to the merits of the Petition for Reconsideration, we note that as observed by the WCJ, there was no evidentiary record with respect to the allegations in the Petition for Reconsideration. 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, § 10787.)

“It is the responsibility of the parties and the WCJ to ensure that the record is complete when a case is submitted for decision on the record. At a minimum, the record must contain, in properly organized form, the issues submitted for decision, the admissions and stipulations of the parties, and admitted evidence.” (*Hamilton, supra*, 66 Cal.Comp.Cases at p. 475.) The WCJ’s decision must “set[] forth clearly and concisely the reasons for the decision made on each issue, and the evidence relied on,” so that “the parties, and the Board if reconsideration is sought, [can] ascertain the basis for the decision[.] . . . For the opinion on decision to be meaningful, the WCJ must refer with specificity to an adequate and completely developed record.” (*Id.* at p. 476 (citing *Evans v. Workmen’s Comp. Appeals Bd.* (1968) 68 Cal. 2d 753, 755 [33 Cal.Comp.Cases 350]).) Here, when the WCJ rightly made the observation that there was no evidence in the record, the proper course would have been to set the matter for a hearing in order to create an evidentiary record. Instead, she recommended denial of the Petition.

Next, WCAB Rule 10961 (Cal. Code Regs., tit. 8, § 10961) provides that jurisdiction remains with the district office for 15 days after the timely filing of a petition for reconsideration and sets forth three actions that a WCJ may take in response: (a) The WCJ may prepare a report and transfer jurisdiction to the Appeals Board to address the merits of the petition (Cal. Code Regs., tit. 8, § 10961(a); see Cal. Code Regs., tit. 8, § 10962); (b) The WCJ may rescind the entire order, decision or award and initiate proceedings within 30 days (Cal. Code Regs., tit. 8, § 10961(b)); or (c) The WCJ may rescind the order, decision or award and issue an amended order, decision or award, and a new petition for reconsideration must be filed in response to the amended order, decision or award (Cal. Code Regs., tit. 8, § 10961(c)).

If the WCJ does not issue an order rescinding or amending the original order, decision or award during the 15-day period, the Appeals Board must act on the petition for reconsideration even if the WCJ determines that the original order, decision or award should have been amended or rescinded. Here, even though the WCJ had already transmitted the case to the Appeals Board, she did not reach out to the Appeals Board when she received the amended C&R. Instead, she issued the amended OACR while the matter was pending at the Appeals Board.

Further compounding the WCJ’s errors, defendant made no effort to withdraw the Petition for Reconsideration. *Defendants’ attorneys Joe Cuadro (CSB #146607) and Copperpoint Legal and defendants Pacific Compensation Insurance Company and Lone Wolf Brewing Company LLC*

are reminded that given the scarce resources of the WCAB, when a Petition for Reconsideration becomes moot, it is imperative that the filing party withdraw their Petition.

Accordingly, so that the record is clear, we dismiss the Petition for Reconsideration.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration of the Order Approving Compromise and Release issued by the WCJ on March 11, 2026 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ PAUL F. KELLY, COMMISSIONER

JOSÉ H. RAZO, COMMISSIONER
CONCURRING NOT SIGNING



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

JUNE 15, 2026

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

**JEANETTE MATLOCK
KOSZDIN, FIELDS & SHERRY
COPPERPOINT LEGAL**

AS/kl

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