

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

KYLE GREEN, *Applicant*

vs.

CORNERSTONE CAPITAL GROUP, INC.; UNITED WISCONSIN INSURANCE COMPANY, administered by NEXT LEVEL ADMINISTRATORS; AVIATION PORT SERVICES, LLC; LARS TONY HOGDAHL, an individual and a beneficial interest holder of AVIATION PORT SERVICES, LLC; UNINSURED EMPLOYER BENEFITS TRUST FUND, *Defendants*

**Adjudication Number: ADJ13930082
Sacramento District Office**

OPINION AND DECISION AFTER RECONSIDERATION

We previously granted reconsideration on March 6, 2026, and issued a Notice of Intention (NIT) to rescind the decision of the workers' compensation arbitrator (WCA) in this matter due to lack of a complete record.

Petitioner Cornerstone Capital Group (Cornerstone) on behalf of their insurer, United Wisconsin Insurance Company (United), and administrator, Next Level Administrators (Next Level), seeks reconsideration of a Findings and Order (F&O) issued on November 30, 2025 by WCA wherein the WCA found that workers' compensation policy number WC509-00202-020-SZ, which was issued by United, was not properly cancelled at the time of applicant's November 7, 2020 injury; applicant's injury was not excluded under the terms of the Professional Employer Organization (PEO) contract between Aviation Port Services (Aviation) and Cornerstone; and applicant's injury was therefore covered under the said policy. Based upon these findings, the WCA ordered United to provide workers' compensation benefits to applicant.

Petitioner contends that Aviation applied to be a Cornerstone client but did not onboard any employees; applicant was never an employee of Cornerstone; a WCIRB report is not evidence of coverage; and workers' compensation policy number WC509-00202-020-SZ was cancelled on August 4, 2020, prior to applicant's November 7, 2020 date of injury.

We have not received an Answer from applicant. On January 5, 2026, the WCA issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition for Reconsideration (Petition) be denied.

On March 6, 2026, we granted the Petition and issued a NIT which indicated that the F&O would be rescinded unless the documents required under WCAB Rule 10995(c)(3) were filed in the Electronic Adjudication Management System (EAMS) within thirty (30) days after service of the NIT, plus an additional five (5) days for mailing, in accordance with WCAB Rule 10605 (Cal. Code Regs., tit. 8, § 10605). We advised that the record did not contain minutes from arbitration proceedings scheduled after July 15, 2025; pleadings, petitions, objections, briefs and responses filed with the WCA; exhibits offered and any objections thereto; stipulations and issues; and the WCA's summary of evidence including evidentiary rulings or a description of admitted exhibits, all of which are required under WCAB Rule 10914. (Cal. Code Regs., tit. 8, § 10914.)

Notwithstanding the NIT, the requested documents were not uploaded to EAMS as requested.

Based upon our review of the limited record, and for the reasons discussed below, we will rescind the F&O and return the matter to the WCA. When the WCA issues a new decision, any aggrieved person may timely seek reconsideration.

DISCUSSION

I.

As stated in our March, 6, 2026 Opinion and Order Granting Petition for Reconsideration (O&O), WCAB Rule 10995 provides that if the arbitrator does not rescind the order, decision or award within 15 days of receiving the petition for reconsideration, the arbitrator is required to forward an electronic copy of their report *and the complete arbitration file* within 15 days after receiving the petition for reconsideration pursuant to WCAB Rule 10995(c)(3). (Cal. Code Regs., tit. 8, § 10995(c)(1)-(3).) (emphasis added.)

WCAB Rule 10914 requires the arbitrator to make and maintain the record of arbitration proceedings, which must include the following:

- (1) Order Appointing Arbitrator;
- (2) Notices of appearance of the parties involved in the arbitration;

- (3) Minutes of the arbitration proceedings, identifying those present, the date of the proceeding, the disposition and those served with the minutes or the identification of the party designated to serve the minutes;
 - (4) Pleadings, petitions, objections, briefs and responses filed by the parties with the arbitrator;
 - (5) Exhibits filed by the parties;
 - (6) Stipulations and issues entered into by the parties;
 - (7) Arbitrator's Summary of Evidence containing evidentiary rulings, a description of exhibits admitted into evidence, the identification of witnesses who testified and summary of witness testimony;
 - (8) Verbatim transcripts of witness testimony if witness testimony was taken under oath.
 - (9) Findings, orders, awards, decisions and opinions on decision made by the arbitrator; and
 - (10) Arbitrator's report on petition for reconsideration, removal or disqualification.
- (Cal. Code Regs., tit. 8, § 10914(c).)

Aside from the above requirements, any decision issued by an arbitrator must be based on admitted evidence and supported by substantial evidence. (*Hamilton v. Lockheed Corporation (Hamilton)* (2001) 66 Cal.Comp.Cases 473, 476 (Appeals Bd. en banc).) Meaningful review of an arbitrator's decision requires that the "decision be based on an ascertainable and adequate record," including "an *orderly identification* in the record of the evidence submitted by a party; and *what evidence is admitted or denied admission.*" (*Lewis v. Arlie Rogers & Sons* (2003) 69 Cal.Comp.Cases 490, 494, emphasis in original.) "An organized evidentiary record assists an arbitrator in rendering a decision, informs the parties what evidence will be utilized by the arbitrator in making a determination, preserves the rights of parties to object to proffered evidence, and affords meaningful review by the Board, or reviewing tribunal." (*Ibid.*; see also *Evans v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal.2d 753 [a full and complete record allows for a meaningful right of reconsideration].)

We note also that the Appeals Board may not ignore due process for the sake of expediency. (*Barri v. Workers' Comp. Appeals Bd.* (2018) 28 Cal.App.5th 428, 469 [83 Cal.Comp.Cases 1643])

[claimants in workers' compensation proceedings are not denied due process when proceedings are delayed in order to ensure compliance with the mandate to accomplish substantial justice]; *Rucker v. Workers' Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805][all parties to a workers' compensation proceeding retain the fundamental right to due process and a fair hearing under both the California and United States Constitutions].) "Even though workers' compensation matters are to be handled expeditiously by the Board and its trial judges, administrative efficiency at the expense of due process is not permissible." (*Fremont Indem. Co. v. Workers' Comp. Appeals Bd.* (1984) 153 Cal.App.3d 965, 971 [49 Cal.Comp.Cases 288]; see *Ogden Entertainment Services v. Workers' Comp. Appeals Bd. (Von Ritzhoff)* (2014) 233 Cal.App.4th 970, 985 [80 Cal.Comp.Cases 1].)

The Appeals Board's constitutional requirement to accomplish substantial justice means that the Appeals Board must protect the due process rights of every person seeking reconsideration. (See *San Bernardino Cmty. Hosp. v. Workers' Comp. Appeals Bd.* (1999) 74 Cal.App.4th 928, 936 [64 Cal.Comp.Cases 986] ["essence of due process is...notice and the opportunity to be heard"]; *Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].) In fact, "a denial of due process renders the appeals board's decision unreasonable..." and therefore vulnerable to a writ of review. (*Von Ritzhoff, supra*, 233 Cal.App.4th at p. 985 citing Lab. Code, § 5952(a), (c).) Thus, due process requires meaningful consideration of the merits of every case de novo with a well-reasoned decision based on the evidentiary record and the relevant law.

Here, we granted reconsideration on March 6, 2026 to afford the parties sufficient opportunity to provide us with a complete record of the arbitration proceedings. As outlined above, the NIT allowed for filing of the requested documents within thirty (30) days after service of the NIT, plus an additional five (5) days for mailing. To date, *the record still does not include* all the necessary documents and pleadings, and we are unable to conduct meaningful review of the Petition or render a decision based upon an incomplete record.

Accordingly, we will rescind the F&O issued on November 30, 2025, and return this matter to the WCA for further arbitration proceedings. When the WCA issues a new decision, any aggrieved person may timely seek reconsideration.

For the foregoing reasons,

IT IS ORDERED as the Decision After Reconsideration of the Workers' Compensation Appeals Board that the Findings and Order issued by the workers' compensation arbitrator on November 30, 2025, is **RESCINDED** and the matter is **RETURNED** to the workers' compensation arbitrator for further proceedings consistent with this decision.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSEPH V. CAPURRO, COMMISSIONER

I CONCUR,

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

/s/ PAUL F. KELLY, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

MAY 4, 2026

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

**KYLE GREEN
LAW OFFICES OF ROY YANG
DJG LAW GROUP, INC.
OFFICE OF THE DIRECTOR – LEGAL UNIT (SACRAMENTO)
LARS TONY HOGDAHL
AVIATION PORT SERVICES LLC
GEORGE W. MASON, ARBITRATOR**

RL/cs

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

CS