

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

MICHAEL GARCIA, *Applicant*

vs.

**CTEC, INC.; CIGA FOR INDUSTRIAL INDEMNITY/FREMONT; COVERTECH;
CIGA FOR INDUSTRIAL INDEMNITY/FREMONT; WANTZ EQUIPMENT CO.;
STATE COMPENSATION INSURANCE FUND; DEBORAH & GERALD WALBERG;
STATE FARM FIRE & CASUALTY COMPANY; ARCO AM/PM STRAUCH
BROTHER INC.; ZENITH INSURANCE CO., *Defendants***

**Adjudication Number: ADJ3006563; ADJ2512405; ADJ7197475; ADJ15625557;
ADJ1164291; ADJ862254; ADJ2541408; ADJ1046449; ADJ3981124; ADJ3034703;
ADJ18423850**

Sacramento District Office

**VEXATIOUS LITIGANT
PRE-FILING REVIEW
PURSUANT TO
CALIFORNIA CODE OF REGULATIONS,
TITLE 8, SECTION 10430**

On April 18, 2025, the Presiding Workers Compensation Judge (PWCJ) issued a Findings and Order (F&O) declaring applicant to be a vexatious litigant subject to a pre-filing order pursuant to California Code of Regulations, title 8, section 10430. (Cal. Code Regs., tit. 8, § 10430.) Under WCAB Rule 10430, applicant must obtain prior approval from the Presiding Workers' Compensation Judge or the Appeals Board before he or she is allowed to file any application(s) for adjudication of claim, declaration(s) of readiness to proceed, pleading(s), petition(s) or other request(s) for action by the Workers' Compensation Appeals Board.

Applicant, in pro per, has conditionally filed a Petition for Reconsideration and a Petition for Disqualification (Petitions) on October 20, 2025. The PWCJ issued a Report on the conditionally filed Petitions transmitting the cases to the Appeals Board. We have considered the contents of the Petitions and the record in the cases. Based on our review, we do not find a significant change in circumstances, such as new or newly discovered evidence or change in the

law, that has materially affected the issue of fact or law that was previously finally determined against the vexatious litigant. Accordingly, the Petitions are not accepted for filing.

I.

Preliminarily, 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 under the Events tab 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 cases were transmitted to the Appeals Board on November 7, 2025, and 60 days from the date of transmission is January 6, 2026. This decision was issued by or on January 6, 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 shall constitute notice of transmission.

Here, according to the proof of service of the Report of the PWCJ transmitting the cases to the WCAB, it was served on November 7, 2025, and the cases were transmitted to the Appeals

Board on November 7, 2025. Service of the Report and transmission of the cases 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 November 7, 2025.

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration and the Petition for Disqualification filed on October 20, 2025 are **NOT ACCEPTED** for filing.

WORKERS' COMPENSATION APPEALS BOARD

/s/ JOSÉ H. RAZO, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

January 6, 2026

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

**MICHAEL GARCIA
CHERNOW & PINE
MULLEN & FILIPPI
GORDON & REES
LAUGHLIN, FALBO, LEVY & MORESI
STATE COMPENSATION INSURANCE FUND
KROGH & DECKER
OFFICE OF THE DIRECTOR-LEGAL UNIT (SACRAMENTO)**

JL/abs

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