

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

PAULA CARDEBNA, *Applicant*

vs.

**ANGELES BAKERY; EMPLOYERS
ASSURANCE COMPANY, *Defendants***

**Adjudication Number: ADJ16423182
Los Angeles District Office**

**OPINION AND ORDER
GRANTING PETITION FOR
RECONSIDERATION
AND DECISION AFTER
RECONSIDERATION**

Pacific MRI (Pacific) through its assigned representative, Patrick Petronella and Collective Resources Long Beach (hereinafter collectively as "Lien Claimant") seek reconsideration of the Order Imposing Sanctions and Costs Against Patrick Petronella and Pacific MRI (Order) pursuant to Labor Code sections 5813¹, and California Code of Regulations sections 10421 and 10872 issued on November 21, 2025, by the workers' compensation administrative law judge (WCJ).²

Lien claimant contends that good cause exists to set-aside the Order issued by the WCJ because the decision of the WCJ to issue sanctions, award attorney fees and litigation costs is not based upon admissible evidence, and that lien claimant's withdrawal of its lien two days before the lien trial with the knowledge of defendant did not require their appearance at trial, as defendant was aware the lien had been "resolved" by this withdrawal of the lien.

We received an Answer from defendant.

¹ All further references are to the Labor Code, unless otherwise stated.

²We note that both the Notice of Intention (NIT) and Order imposing sanctions issued by the WCJ are against both Patrick Petronella and Pacific MRI jointly and severally, however, it appears that the Petition was filed solely on behalf of Pacific MRI, by its representative Mr. Petronella, versus on behalf of both Pacific MRI and its representative, Patrick Petronella.

The WCJ issued a Report and Recommendation on Petition for Reconsideration (Report) recommending that the Petition be denied. We have considered the allegations in the Petition for Reconsideration, the Answer, and the contents of the Report. Based on our review of the record, and for the reasons stated below, we will grant the Petition for Reconsideration, rescind the Order, and return this matter to the WCJ for further proceedings consistent with this opinion.

BACKGROUND

Applicant filed a claim alleging she sustained a cumulative injury to the wrists, hands, stress, and psyche, while employed by defendant as a cashier during the period from November 13, 2015 through February 08, 2022.

Applicant and defendant entered into a settlement and submitted a Compromise and Release (C&R) agreement. An Order Approving C&R was issued by a WCJ on November 21, 2022.

On February 23, 2024, lien claimant Pacific filed a lien for its services on their own behalf.

On March 12, 2024, lien claimant BVHS Institute for Pain Management, by and through their non-attorney representatives, Innovative Medical Management (Innovative), filed a lien for its services.

On April 17, 2024, lien claimant representative Innovative, on behalf of BVHS, filed a Declaration of Readiness to Proceed (DOR) to a lien conference.

On July 11, 2024, lien claimant BVHS filed notice of representation advising that Innovative was their legal representative in compliance with WCAB Rule 10774.5.³

³ WCAB Rule 10774.5, which relates to notices of representation, change of representation, and non-representation for lien claimants has been repealed as of 1/1/2020, and replaced by WCAB Rule 10868.

WCAB Rule 10868, which is operative as of 1/1/2020, states, in pertinent part:

“(a) Whenever any lien claimant obtains representation after a lien has been filed, or changes such representation, the lien claimant shall, within 5 days, file and serve a notice of representation in accordance with rules 10390, 10400, 10401 and 10402. If a copy of the notice of representation is not in the record at the time of the hearing, the lien claimant’s representative shall lodge a copy at the hearing and shall personally serve a copy on all parties appearing. Unless a representative signs an initial lien document on behalf of a lien claimant, a notice or representation is required. This rule also requires the notice to be verified and sets forth additional requirements relating to the notice.

Further, section (d) states:

(d) Any violation of this rule may give rise to monetary sanctions, attorney’s fees and costs under Labor Code section 5813 and rule 10421.” (Cal. Code Regs., tit. 8 § 10868.)

At the July 15, 2024 lien conference, defendant, lien claimant BVHS through Innovative appeared, and Pacific appeared through non-attorney Leo Howry from Associated Lien, and the matter went off calendar for further discovery. No notice of lien claimant representation was filed by either Pacific or Associated Lien at that time. (Minutes of Hearing (MOH), 7/15/2024.)

On October 22, 2024, defendant filed a DOR for another lien conference, which occurred on January 22, 2025. Service of the DOR was on Pacific, BVHS, and Innovative.

At the January 22, 2025, lien conference defendant and lien claimant Pacific appeared through representative Patrick Petronella. The MOH from that conference indicates that the lien of BVHS was resolved for \$500, and the matter was continued to another lien conference for the outstanding lien of Pacific. The parties were ordered to upload a joint pre-trial conference statement (PTCS) to be viewable at the time of the continued lien conference. The conference was to be held in Oxnard on February 14, 2025 with WCJ Tolman. (MOH, 1/22/25.)

At the February 14, 2025 lien conference, Julia Heilbron of Tobin Lucks for defendant and Pacific MRI appeared through representative Leo Howry. The MOH notes that the pre-trial conference statement (PTCS) was incomplete and not signed by lien claimant Pacific. The parties were ordered to meet and confer, and a PTCS was to be e-filed 5 days before the next hearing. (MOH, 2/14/25.)

On March 7, 2025, a joint PTCS was filed by the parties, with Julia Heilbron of Tobin Lucks for defendant, and Leo Howry signing the PTCS as appearing for Pacific, assisting Mr. Patrick Petronella (WCAB ADA Accommodation).

On April 11, 2025, a lien conference was held before WCJ Tolman. Juliana Heilbron appeared for defendant, through the Law Offices of Mullen & Filippi on behalf of defendant, and Patrick Petronella appeared on behalf of lien claimant Pacific MRI. The other/comments section of the MOH states: “PTCS appears but is incomplete because it is missing BVHS Institute for Pain Mgmt.⁴ SET FOR LIEN TRIAL BEFORE ANY OXNARD JUDGE. PTCS APPROVED. SET ON NOTICE; PTCS approved.” (Minutes of Hearing, 4/11/2025.)

On April 18, 2025, the court served the Notice of Hearing for the June 18, 2025 lien trial.

⁴ It is unknown why such statement was made, as the under “Others Appearing”, the MOH state “BVHS Institute of Pain Mgmt by: Settled”, however, it appears that a day before the conference, or on April 10, 2025, defendant filed a Substitution of Attorneys and appointed Mullen Filippi as its attorney in place of Tobin Lucks. The legal representative for defendant, Ms. Heilbron, remained the same.

In addition, the adjudication file⁵ reflects that on May 29, 2025, defendant's attorney filed and served a letter upon lien claimant Pacific MRI as well as their purported representative Collective Resources, addressed to WCJ Christiano requesting a remote lien trial. Ms. Heilbron stated in relevant part:

“Patrick Petronella represents the sole-remaining lien claimant, Pacific MRI. Mr. Petronella has represented that he has an ongoing ADA accommodation with the WCAB, which he or his representative noted in the Pre-Trial Conference Statement. Additionally, I have set at least five lien trials (possibly more) solely against Pacific MRI in the recent months, represented by Mr. Petronella, and they have withdrawn on the day of lien trial on 100% of my cases. Therefore, I do not believe they are willing to proceed to lien trial on the record, and I would like to spare my client the expense of my travel from Long Beach to Oxnard, if possible.

I swear, under penalty of perjury, that the foregoing is true and correct.”⁶

Thereafter, it appears, per the adjudication file, that an email dated June 12, 2025 was sent to the Court and forwarded to the WCJ regarding Patrick Petronella's grant for ADA accommodations to appear before the WCAB remotely. The email chain references the lien trial taking place on June 18, 2025, with WCJ Christiano and Patrick Petronella's request to appear remotely at the lien trial.

On June 13, 2025, the trial WCJ issued an “Order to Conduct Proceedings Via CourtCall Virtual Hearing” on June 18, 2025, 8:30 A.M. The link to WCJ's virtual courtroom is listed in the Order. Service was on the parties of record.

On June 16, 2025, Patrick Petronella from 42 Orchard Drive Corporation dba Collective Resources Long Beach, filed and served a letter on behalf of Pacific, addressed to the WCJ, stating,

“We are writing to you to inform that after detailed conversations and clarifications with all parties, our issue has been resolved and therefore withdraw our lien filed on February 23, 2024.”

⁵ WCAB Rule 10803 states, in relevant part, that: (a) “the Workers’ Compensation Appeals Board’s adjudication file shall consist of:

(1) All documents filed by any party, attorney or their agent of record, and as provided in rule 10205.4”, however subsection (2), which describes the record of proceedings, states, in relevant part, that “[documents] that are in the adjudication file but have not been received or offered as evidence are not part of the record of proceedings.”

⁶ The lien representative is categorized as the “purported” representative for Pacific, since no Notice of Representative per rule 10608 had been filed to date. As such, neither Collective Resources nor Patrick Petronella is listed on the official address record.

The letter had an accompanying Proof of Service listing Mullen Fillipi as being served at 1435 River Park Dr. Ste., 300 Sacramento, CA 95815, despite their official address of record as of April 11, 2025 being 1375 Exposition Blvd., Ste. 100, Sacramento, CA 95815

On June 18, 2025, defendant appeared for lien trial. No appearance was made on behalf of lien claimant Pacific MRI. Defendant's attorney, Juliana Heilbron requested an OTOC which was granted by the WCJ. The other/comments section on the MOH states:

Lien claimant Pacific MRI, represented by Patrick Petronella, filed a notice of withdraw [*sic*] of lien dated 6/16/2025. No appearance by any rep for Pacific MRI at the hearing today. This appears to be a violation of CCR 10872. Defendant to file a Petition for costs and sanctions. (MOH, 6/18/2025.)

On June 23, 2025, defendant's attorney filed and served a Petition for Order Imposing Sanctions and Awarding Defendant's Costs Against Pacific MRI (Sanction Petition) and Patrick Petronella jointly and severally pursuant to Section 5813 and WCAB Rules 10872 and 10421. The Proof of Service includes service on Patrick Petronella c/o 42 Orchard Drive Corporation dba Collective Resources at P.O. Box 7579, Long Beach, CA, 90807, and Pacific MRI Oak Park, at 638 Lindero Canyon Road, Suite 390, Oak Park, CA 91377 (Petition For Sanctions & Costs, 6/23/2025.)

It does not appear that either lien claimant or its representative responded to defendant's petition for sanctions.

On July 21, 2025, defendant's office filed and served an Amended Proof of Service for the Minutes of Hearing from the June 18, 2025 lien trial.⁷

On August 8, 2025, defendant's attorney filed a Bill of Particulars Pertaining to its Claim for Attorney Fee Reimbursement with supporting evidence to prove the costs it incurred in defending against the lien claim brought by Pacific MRI represented by Patrick Petronella.

On August 13, 2025, the WCJ issued a Notice of Intention to Issue Sanctions and Award Defendant Costs Against Patrick Petronella and Pacific MRI (NIT) pursuant to Labor Code section 5813 and CCR sections 10421 and 10872. The NIT indicates that service of the NIT was made on Collective Resources Long Beach, Mullen Filippi, and Pacific MRI by US mail, as well as on Patrick Petronella by email. (NIT, 8/13/25, at p. 14.)

⁷ The original Proof of Service that was filed on July 14, 2025, listed the incorrect parties.

On August 27, 2025, Patrick, Petronella, non-attorney hearing representative from Collective Resources on behalf of lien claimant Pacific MRI, filed an objection to the NIT with a corresponding proof of service. In its Objection, lien claimant asserted that good cause existed to set aside the NIT, because the lien was withdrawn on June 16, 2025 two days prior to the lien trial. The verified objection states:

“Customarily, when a lien is withdrawn or resolved prior to a scheduled hearing. Judges normally do not require the appearance of the withdrawing or settling party. It is clear that the Defendant’s attorney was present and knew the lien was withdrawn. If the undersigned’s virtual appearance was required, why didn’t the defendant’s attorney contact the undersigned regarding the same? ”

(Objection to NIT To Issue Sanctions and Award Defendant Costs against Patrick Petronella and Pacific MRI, 8/27/2025, at p.2.)

On September 15, 2025, defendant’s attorney filed a verified reply to lien claimant’s objection to the NIT to issue sanctions, asserting that she did not receive lien claimant’s Objection to the NIT and that she issued a Reply upon discovering the Objection while looking in the Electronic Adjudication Management System (EAMS) for any developments on the case. Defendant’s attorney further states that she did not know that the lien had been withdrawn until she appeared virtually at the lien trial on June 18, 2025 and was advised of the same by the WCJ. Further, defendant contends that lien claimant’s representative has an established pattern of similar conduct of not appearing at hearings, and blaming opposing parties and judges for his failure to appear, and that lien claimant is acting in bad faith and promoting frivolous litigation by setting a hearing and failing to appear or submit it for decision.

On November 21, 2025, the WCJ issued an Order Imposing Sanctions and Costs Against both Patrick Petronella and Pacific MRI, jointly and severally, pursuant to Labor Code section 5813 and Code of Regulations sections 10421 and 10872.

It is from this Order that lien claimant seeks reconsideration.

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 23, 2025 and 60 days from the date of transmission is Saturday, February 21, 2026. The next business day that is 60 days from the date of transmission is Monday, February 23, 2026. (See Cal. Code Regs., tit. 8, § 10600(b).)⁸ This decision is issued by or on February 23, 2026, so 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 23, 2025, and the case was transmitted to the Appeals Board on December 23, 2025. Service of the Report and transmission of the case to the Appeals Board occurred on the same day. Thus, we conclude that

⁸ WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that: Unless otherwise provided by law, if the last day for exercising or performing any right or duty to act or respond falls on a weekend, or on a holiday for which the offices of the Workers’ Compensation Appeals Board are closed, the act or response may be performed or exercised upon the next business day.

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 23, 2025.

II.

WCAB Rule 10872 provides:

- (a) Within seven days after a lien has been resolved or withdrawn, the lien claimant shall file and serve a notification of resolution or withdrawal of lien claim. For purposes of this rule, a lien is not resolved unless payment in accordance with an order or an informal agreement has been made and received.
- (b) The lien claimant ***shall appear at any hearing that was noticed prior to the resolution or withdrawal of the lien unless excused by the Workers' Compensation Appeals Board.*** The lien claimant shall be excused from appearing at any subsequently noticed hearing.
- (c) Any violation of this rule ***may*** give rise to monetary sanctions, attorney's fees and costs under Labor Code section 5813 and Rule 10421.

(Cal. Code Regs., tit 8 § 10872, bold and italics added for emphasis.)

Based on the above, lien claimant's representative was required to appear at the properly Noticed hearing on June 18, 2025. Pursuant to rule 10872 lien claimant's failure to appear at the lien trial *may* give rise to monetary sanctions, attorney's fees and costs under section 5813 and WCAB Rule 10421(c), however we are unable to determine same without an adequate record.

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).) An adequate and complete record is necessary to understand the basis for the WCJ's decision and the WCJ shall ". . . make and file findings upon all facts involved in the controversy[.]" (Lab. Code, § 5313; *Hamilton, supra*, at p. 476.) 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." (*Hamilton, supra*, at p. 476 (citing *Evans v. Workmen's Comp. Appeals Bd.* (1968) 68 Cal. 2d 753, 755 [33 Cal.Comp.Cases 350]).) The purpose of the requirement is "to assist the reviewing court to ascertain the principles relied

upon by the lower tribunal, to help that tribunal avoid careless or arbitrary action, and to make the right of appeal or of seeking review more meaningful.” (*Evans, supra*, at p. 755.)

“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*, at p. 475.) The WCJ is “charged with the responsibility of referring to the evidence in the opinion on decision, and of clearly designating the evidence that forms the basis of the decision.” (*Hamilton, supra*, at pp. 475-476; see Lab. Code, § 5313; *Blackledge v. Bank of America* (2010) 75 Cal.Comp.Cases 613 (Appeals Board en banc).)

Moreover, 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. (*Rucker v. Workers’ Comp. Appeals Bd.* (2000) 82 Cal.App.4th 151, 157-158 [65 Cal.Comp.Cases 805].) The essence of due process is notice and the opportunity to be heard. (*San Bernardino Community Hospital v. Workers’ Comp. Appeals Bd.* (1999) 74 Cal.App.4th 928, 936 [64 Cal.Comp.Cases 986].) Determining an issue without giving the parties notice and an opportunity to be heard violates the parties’ rights to due process. (*Gangwish v. Workers’ Comp. Appeals Bd.* (2001) 89 Cal.App.4th 1284, 1295 [66 Cal.Comp.Cases 584], citing *Rucker, supra*, at pp. 157-158.) 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. (See *Gangwish, supra*, at p. 1295; *Rucker, supra*, at pp. 157-158, citing *Kaiser Co. v. I.A.C. (Baskin)* (1952) 109 Cal.App.2d 54, 58 [17 Cal.Comp.Cases 21]; *Katzin v. Workers’ Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 710 [57 Cal.Comp.Cases 230].)

As relevant in the instant matter, due process required that the WCJ issue a Notice of Intent to Issue Sanctions as a condition precedent to dismissal, thereby affording the interested party or parties an opportunity to be heard. (*Fortich v. Workers’ Comp. Appeals Bd. (Fortich)* (1991) 233 Cal.App.3d 1449, 1452-1453 [56 Cal.Comp.Cases 537].)

Here, defendant filed a petition for sanctions and costs on June 23, 2025, and a bill of particulars on August 8, 2025, Thereafter, on August 13, the WCJ issued the NIT to issue sanctions and award defendant costs against Patrick Petronella and lien claimant, which was timely objected to by lien claimant.

While the WCJ properly issued a NIT with respect to the intention to sanction both the lien claimant and their representative, although the lien claimant filed a timely objection, the WCJ declined to hold a hearing, instead issuing an order consistent with the NIT, together with an opinion on decision.

Given that both an objection to the NIT was filed by representative Petronella, and a response issued by defendant which disputed some of lien claimant's assertion, as a matter of due process, the WCJ should have set the matter for a hearing, and a record should have been created.

Defendant's petition for sanctions and costs appear to be, at least in part, the impetus for the NIT and subsequent order for sanctions and costs by the WCJ. Without such a record, we are unable to further determine the propriety of the WCJ's findings and order.

Moreover, to the extent that the NIT and Order reference lien claimant's failure to appear at the lien trial, thereby demonstrating a pattern of behavior, there is no evidence of a pattern of such conduct, as no evidence has been admitted to the record. There is further no evidence in the record relating to the filing of a frivolous lien claim as stated in the WCJ's Order.

Sanctions under section 5813 are designed to punish litigation abuses and to provide the court with a tool for curbing improper legal tactics and controlling their calendars. (*Duncan v. Workers' Comp. Appeals Bd.* (2008) 166 Cal.App.4th 294, 302 [82 Cal.Rptr.3d 664].) Accordingly, sanctions are similar to penalties under section 5814, in that they are designed to have both remedial and penal aspects. (See *Ramirez v. Drive Financial Services* (2008) 73 Cal.Comp.Cases 1324 (Appeals Board En Banc).

Before issuing such an order, "the alleged offending party or attorney ***must be given notice and an opportunity to be heard.***" (Cal. Code Regs., tit. 8, § 10421(a) bold and italics added for emphasis.) WCAB Rule 10421, subdivision (b), authorizes sanctions for a party who has committed "[b]ad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay including actions or tactics that result from willful failure to comply with a statutory or regulatory obligation, that result from a willful intent to disrupt or delay the proceedings of the Workers' Compensation Appeals Board, or that are done for an improper motive or are indisputably without merit." (Cal. Code Regs., tit. 8, § 10421(b).) Subdivision (b) provides a comprehensive but non-exclusive list of actions that could be subject to sanctions. As applicable here, violations subject to sanctions, pursuant to WCAB Rule 10421(b), include:

- (1) Failure to appear or appearing late at a conference or trial where a reasonable excuse is not offered or the offending party has a pattern of such conduct. . . .
- (6) Bringing a claim, conducting a defense or asserting a position:

(A) That is:

- (i) Indisputably without merit.
- (ii) Done solely or primarily for the purpose of harassing or maliciously injuring any person; and/or
- (iii) Done solely or primarily for the purpose of causing unnecessary delay or a needless increase in the cost of litigation; and

(B) Where a reasonable excuse is not offered or where the offending party has demonstrated a pattern of such conduct.

(Cal. Code Regs., tit. 8, § 10421(b)(1)(6).)

Here, Pacific MRI through its representative Patrick Petronella filed a timely Objection to the Order of the NIT to Issue Sanctions and Award Costs. Due process requires that a party be provided with reasonable notice and an opportunity to be heard. (*Katzin v. Workers' Comp. Appeals Bd.* (1992) 5 Cal.App.4th 703, 711-712 [57 Cal.Comp.Cases 230].) A review of the record of proceedings does not indicate that before issuing the Order, the WCJ held a hearing in order to give Patrick Petronella and Pacific MRI an opportunity to be heard. The WCJ should have set this matter for a hearing pursuant to WCAB Rule 10421.

Finally, we note the record is still devoid of proper notice of representation for lien claimant per rule 10868, there have apparently been general appearances made by more than one non-attorney representative on behalf of lien claimant, without either a notice of representation, or a change in representation, per rule 10868. As such, any issues as to same should be clarified and determined, as it is not clear as to whether such representation was ever properly filed, or how service on lien claimant's purported representative was affected which may affect issues relating to potential sanctions and the proper parties subject to these potential sanctions.

For the foregoing reasons,

IT IS ORDERED that lien claimant's Petition for Reconsideration is **GRANTED**.

IT IS FURTHER ORDERED, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the Order Imposing Sanctions and Costs Against Patrick Petronella and Pacific MRI issued by the WCJ on November 21, 2025 is **RESCINDED** and this matter is **RETURNED** to the trial level for further proceedings and decision by the WCJ consistent with this opinion.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

February 23, 2026

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

**COLLECTIVE RESOURCES
MULLEN FILIPPI**

DLM/oo

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