

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

**PAULA MONDRAGON, *Applicant***

**vs.**

**STAR NAIL PRODUCTS; CALIFORNIA INSURANCE GUARANTEE ASSOCIATION  
for FREMONT INDEMNITY COMPANY, in liquidation, *Defendants***

**Adjudication Number: ADJ3278470; ADJ2799268; ADJ3391803  
Van Nuys District Office**

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

Defendant California Insurance Guarantee Association (CIGA) seeks reconsideration of a January 28, 2026 Minute Order amending a prior March 27, 2025 Order Dismissing Liens, issued by the workers' compensation administrative law judge (WCJ). As relevant here, in the March 27, 2025 Order Dismissing Liens, the WCJ dismissed the lien of Marc Nehorayan, M.D., pursuant to a Notice of Intention to Dismiss Lien Claims dated February 25, 2025. In the January 28, 2026 Minute Order, the WCJ ordered that "PER LC 5803 & the recent significant panel decision of *Rader v Ticketmaster* (2025 Cal Wrk Comp PD Lexis 86), the ORDER dated 2/25/2025 is amended TO REMOVE DR. NEHORAYAN ONLY." (Emphasis in original.)

The crux of defendant's contentions appears to be that the March 27, 2025 Order Dismissing Liens "is final and cannot be altered, amended or rescinded in the fashion which was undertaken in January 2026" and that therefore the WCJ lacks jurisdiction to amend the March 27, 2025 Order Dismissing Liens. Defendant also contends that the WCJ's reliance on *Rader v. Ticketmaster* 2025 Cal Wrk Comp PD LEXIS 86 is misplaced.

We have not received an Answer from lien claimant.

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 and the contents of the Report with respect thereto.

Based on our review of the record, and for the reasons discussed below, we will grant defendant's Petition for reconsideration, rescind the March 27, 2025 Order dismissing lien claims as void ab initio, and substitute a new order which omits Dr. Nehorayan's lien from the list of liens being dismissed. We will then return the matter to the trial level for further proceedings.

### **BACKGROUND**

We will briefly review the relevant facts and complicated procedural history relevant to the issues before us.

In case number ADJ3278470, applicant claimed injury to various body parts while employed by defendant as on June 14, 2000. We note that applicant filed other claims, under other case numbers, but it appears that Dr. Nehorayan only filed a lien claim in case number ADJ3278470.

On July 21, 2011, lien claimant filed a notice and request for allowance of lien.

On April 4, 2016, applicant and defendant entered into a compromise and release (C&R). With respect to liens, the C&R states that "CIGA will pay adjust, or litigate the liens, claims, bills, and obligations reflected in the lien affidavit ...." (C&R, dated April 4, 2016, ¶ 8.)

On April 4, 2016, the WCJ issued an Order Approving Compromise and Release (OACR), which states in part: lien claims are to be adjusted by defendants with jurisdiction reserved by the board: In accordance with paragraph #8 and/or any other provisions of the C&R."

On May 10, 2016, lien claimant filed a further notice and request for allowance of lien.

On June 22, 2017, lien claimant filed a declaration pursuant to Labor Code section<sup>1</sup> 4903.05(c).

On February 25, 2025, defendant filed a petition to dismiss lien claims, as follows:

Mark Nehorayan Van Nuys, Five Star Interpreting Service, Accurate Medical Assessment Rating Centers, Biocare Rx Pharmacy Encino, Christina Arana and Associates, Inc.; Diogenes Anesthesia Med Grp, Inc.; Downey Orthopedic Medical Group; E and M Interpreting; Global Interpreting Los Angeles; Med Legal; Nationwide Interpreting; Pacific Hospital of Long Beach; Pain & Rehabilitation Medical; So Cal Medical Transportation Services, Teresa Wilson; Translating Solutions; Translating Solutions Santa Monica; Translating Sources Cypress; True MRI Medical Center; and Vision Quest Industries, Inc.

(Petition to dismiss, pp. 3-4.)

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<sup>1</sup> All statutory references are to the Labor Code unless otherwise stated.

On February 25, 2025, the WCJ issued a notice of intent to dismiss lien claims and order dismissing the lien claims for lack of prosecution, listing the following lien claims:

GOOD CAUSE APPEARING: appearing that lien claimant and/or its representative has not pursued its lien. Notice is hereby given that the following lien claims will be dismissed in accordance with Board Rule 10888, for lack of prosecution, 20 days after service hereof, unless good cause to the contrary is shown in writing within said timeframe: Mark Nehorayan Van Nuys, Five Star Interpreting Service, Accurate Medical Assessment Rating Centers, Biocare Rx Pharmacy Encino, Christina Arana and Associates, Inc.; Diogenes Anesthesia Med Grp, Inc.; Downey Orthopedic Medical Group; E and M Interpreting; Global Interpreting Los Angeles; Med Legal; Nationwide Interpreting; Pacific Hospital of Long Beach; Pain & Rehabilitation Medical; So Cal Medical Transportation Services, Teresa Wilson; Translating Solutions; Translating Solutions Santa Monica; Translating Sources Cypress; True MRI Medical Center; and Vision Quest Industries, Inc. Said writing must show factually: (1) Good cause for the lack of prosecution; and (2) The lien claimant's evidence which would furnish basis for allowing the lien claim in whole or part, if believed by the Courts.

(Notice of intent to dismiss, p. 1.)

On March 25, 2025, defendant served a letter to the WCJ, which stated in pertinent part:

**There was one objection received in response to the NOI, from Marc Nehorayan and/or his representative. Therefore, it is respectfully requested that Your Honor strike out Dr. Nehorayan from the enclosed NOI, defer all issues as to that lien, and sign the Order portion on the bottom of the NOI, to resolve the rest of the liens.**

On March 27, 2025, the WCJ issued an Order dismissing all of the lien claims, including that of “Mark Nehorayan.”

On March 27, 2025, lien claimant filed a Declaration of Readiness to Proceed (DOR) on the following issue(s).

Defendant Michael Braun received documentation at the last lien conference on 8/27/24. Case was taken off calendar for defendant – Michael Braun at Mullen Filippi to review and serve medicals. Rather than do either, the defendant waited 180 days and submitted a petition to dismiss a majority of the liens on the address record, including Marc Nehorayan M.D, for lack of prosecution. Lien claimant would like to get this case back on calendar, as the defendant continues to ignore emails, and negotiate in good faith. DOR is also being set on the issue of costs and sanctions.

(DOR, dated March 27, 2025, p. 7, original in all-caps.)

On April 1, 2025, defendant filed an 18-page objection to the DOR.

On October 1, 2025, defendant filed a 19-page objection to the lien conference scheduled on October 2, 2025 proceeding as an electronic hearing.

On October 2, 2025, the matter came on calendar for hearing before WCJ Bushin. The Minutes of Hearing (MOH) state:

DOR by Marc Nehorayan. The lien of Marc Nehorayan was dismissed without prejudice by WCJ Aslanian. Raffi says a timely objection was filed and he has the POS on the Board. The objection is not in filenet. Lien dismissed w/o considering objection. May be clerical error. WCJ Aslanian to decide if dismissal should be rescinded. Link ADJ2799268.

(MOH dated October 2, 2025, p. 1.)

On January 28, 2026, the matter came on for hearing before WCJ Aslanian. The MOH state:

NOTES: Ciga wants otoc b/c lien was dismissed on 3/26 & Dor was filed by lc on 3/27. No recon was filed. Ciga also didn't have a psyche claim in their case It was scif's issue... Nehorayan is not a lien in the scif case. scif and LC says no... LC didn't file obj to the noi but lc says the client mailed it in to the wcab, served on da. Lc didn't filed recon on the order. Da's 1st page w/ the noi service said to remove nehorayan from the order. LC filed DOR b/c they were activating the case but that's in response to an Order. The LC got notice of the 3/27/25 and dor is 3/27/25. Nehorayan is served by US mail, not email, on 3/27/25, w/ the notice of hrg. Def says their case didn't have psyche & the stip says no pysche. Wcj has cont'ng jur'n over any order that's been issued for good cause – 5 year statute is for reopen/award/F&O... LC says they can't get into filenet even tho they're a LC of record so he's going to file as "exempt" and become a party of record again so they can access eams. Lien was previously filed/paid but then dismissed. But in eams it doesn't show dismissed.

ORDER: PER LC 5803 & the recent significant panel decision of Rader v Ticketmaster (2025 Cal Wrk Comp PD Lexis 86), the ORDER dated 2/25/2025 is amended TO REMOVE DR. NEHORAYAN ONLY.

(MOH, January 28, 2026 hearing, p. 1.)

## 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 March 2, 2026, and 60 days from the date of transmission is May 1, 2026. This decision is issued by or on May 1, 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 be notice of transmission.

Here, according to the proof of service for the Report by the WCJ, the Report was served on March 2, 2026, and the case was transmitted to the Appeals Board on March 2, 2026. 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 March 2, 2026.

## II.

Subject to the limitations of section 5804, “[t]he appeals board has continuing jurisdiction over all its orders, decisions, and awards made and entered under the provisions of [Division 4] ... At any time, upon notice and after the opportunity to be heard is given to the parties in interest, the appeals board may rescind, alter, or amend any order. decision, or award, good cause appearing therefor.” (Lab. Code, § 5803.)

WCAB Rule 10888 states that:

(a) The Appeals Board or a workers’ compensation judge may order a lien dismissed for lack of prosecution, non-appearance by the lien claimant or failure to comply with the provisions of the Labor Code or these rules.

...

(e) Before issuing an Order dismissing a lien, the Workers’ Compensation Appeals Board shall issue a Notice of Intention to Dismiss the lien claim consistent with rule 10832 that provides at least 10 days for the lien claimant to file and serve a response showing good cause why an Order dismissing the lien should not issue.

(Cal. Code Regs., tit. 8, § 10888(a), (e).)

Here, defendant filed a petition to dismiss numerous lien claims on February 25, 2025. On February 25, 2025, the WCJ issued a notice of intent to dismiss lien claims, providing that “Notice is hereby given that the following lien claims will be dismissed in accordance with Board Rule 10888, for lack of prosecution, 20 days after service hereof, unless good cause to the contrary is shown in writing within said timeframe....”

On March 25, 2025, defendant served a letter to the WCJ, which stated in pertinent part: **There was one objection received in response to the NOI, from Marc Nehoryan and/or his representative. Therefore, it is respectfully requested that Your Honor strike out Dr. Nehorayan from the enclosed NOI, defer all issues as to that lien,** and sign the Order portion on the bottom of the NOI, to resolve the rest of the liens. (Emphasis added.) On March 27, 2025, the WCJ issued an Order dismissing all of the lien claims, including that of Dr. Nehorayan, which the WCJ acknowledges was an error. On March 27, 2025, lien claimant filed a DOR.

When the WCJ was apprised of lien claimant's objection to the notice of intent to dismiss, particularly coupled with defendant's request that the WCJ "strike out Dr. Nehorayan from the enclosed NOI, defer all issues as to that lien..." there was no longer a basis for dismissal, absent a hearing. The notice of intent to dismiss was void ab initio as to Dr. Nehorayan.

WCAB Rule 10421(b) defines bad faith actions or tactics that are frivolous or solely intended to cause unnecessary delay to include actions or tactics that result from a 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. Subdivision (b) further provides a comprehensive but non-exclusive list of actions that could be subject to sanctions, including false or substantially false statements of fact; statements of fact that are substantially misleading; or substantial misrepresentations of fact. (Cal. Code Regs., tit. 8, § 10421(b)(5)).) Defendant's arguments are disingenuous at best, bordering on frivolous. We decline to issue a notice of intent re: sanctions at this time. However, we do admonish defense counsel and his firm to abstain from filing pleadings that are without merit, frivolous, or solely intended to cause unnecessary delay.

WCAB Rule 10517 states that "pleadings may be amended by the Workers' Compensation Appeals Board to conform to proof." (Cal. Code Regs., tit. 8, § 10517.) This Rule represents the application of California's public policy in favor of adjudication of claims on their merits, rather than on the technical sufficiency of the pleadings. Informality of pleading in proceedings before the Board has long been recognized, and courts have repeatedly rejected pleading technicalities as grounds for depriving the Board of jurisdiction. (*McGee Street Productions v. Workers' Comp. Appeals Bd.* (2003) 108 Cal.App.4th 717, 724 [68 Cal.Comp.Cases 708]; *Rubio v. Workers' Comp. Appeals Bd.* (1985) 165 Cal.App.3d 196, 200-201 [50 Cal.Comp.Cases 160]; *Liberty Mutual Ins. Co. v. Workers' Comp. Appeals Bd.* (1980) 109 Cal.App.3d 148, 152-153 [45 Cal.Comp.Cases 866].)

Lien claimant's DOR, filed within one day of the order of dismissal, could have been treated as either a timely petition to vacate the dismissal or a timely petition for reconsideration. When lien claimant filed the DOR, the WCJ should have either amended the Order or set a hearing.

Regarding defendant's second contention, we agree with defendant that the WCJ's reliance on *Rader v. Ticketmaster* 2025 Cal Wrk Comp PD LEXIS 86 is misplaced.

With respect to defendant's October 1, 2025 objection to the lien conference proceeding as an electronic hearing, we note that on August 14, 2025, the Appeals Board issued an en banc decision in *Perez v. Chicago Dogs* (2025) 90 Cal.Comp.Cases 830 (Appeals Board en banc), where we stated:

In considering the application of WCAB Rule 10817(a), we preliminarily conclude that a request on the record for electronic witness testimony at the beginning of the hearing, with an opportunity for any party to respond, satisfies the petition requirement and is sufficient to adjudicate the issue of electronic testimony. Moreover, we preliminarily conclude that the due process right to a fair hearing and a determination based on the merits is good cause to allow the electronic testimony of the witness. Therefore, when a witness is unable to appear in person, as a matter of due process, a request to testify electronically should be readily permitted.

(*Id.* at p. 840.)

Based on the record before us, the February 25, 2025 order of dismissal is void *ab initio* due to Dr. Nehorayan's timely objection to the underlying notice of intent.

Accordingly, we grant defendant's Petition for reconsideration, rescind the March 27, 2025 Order Dismissing Liens as void *ab initio*, and substitute a new order which omits Dr. Nehorayan's lien from the list of liens being dismissed.

For the foregoing reasons,

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

**IT IS FURTHER ORDERED**, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the March 27, 2025 Order Dismissing Liens and the January 28, 2026 Minute Order are **RESCINDED** and the following **SUBSTITUTED** in their place:

### **ORDER**

Pursuant to Notice of Intention dated February 25, 2025, and no good cause to the contrary having been shown within the time allowed, it is ordered that the following lien claims are hereby dismissed:

Five Star Interpreting Service, Accurate Medical Assessment Rating Centers, Biocare Rx Pharmacy Encino, Christina Arana and Associates, Inc.; Diogenes Anesthesia Med Grp, Inc.; Downey Orthopedic Medical Group; E and M Interpreting; Global Interpreting Los Angeles; Med Legal; Nationwide Interpreting; Pacific Hospital of Long Beach; Pain &

Rehabilitation Medical; So Cal Medical Transportation Services, Teresa Wilson; Translating Solutions; Translating Solutions Santa Monica; Translating Sources Cypress; True MRI Medical Center; and Vision Quest Industries, Inc.

**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ JOSÉ H. RAZO, COMMISSIONER**

**I CONCUR,**

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



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

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

**MAY 1, 2026**

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

**MARC NEHORAYAN, M.D.  
MULLEN FILIPPI  
RAFFI TARAKJIAN**

***JB/pm***

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