

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

STEVE SORIA, *Applicant*

vs.

**NEAL ELECTRIC;
TRAVELERS PROPERTY CASUALTY COMPANY
OF AMERICA, et al., *Defendants***

**Adjudication Number: ADJ10465371
Riverside District Office**

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

Defendant, E. Light Electric / Travelers, has filed a petition for removal from the order setting the matter for trial issued on February 18, 2026, by the workers' compensation administrative law judge (WCJ). The matter was set to proceed against the remaining defendant in a cumulative trauma claim.

Defendant contends that applicant has settled his claim through Compromise and Release (C&R), including claims against the remaining defendant, and thus the matter should not proceed to trial.

We have received an Answer from the remaining defendant, Neal Electric. The WCJ filed a Report and Recommendation on Petition for Removal (Report) recommending that we deny removal or grant removal and return to the trial level to create a record on the issues raised.

We have considered the allegations of the Petition for Removal, the Answer, and the contents of the WCJ's Report. Based on our review of the record we will grant removal and as our Decision After Removal, we will rescind the February 18, 2026 order setting the matter for trial and return this matter to the trial level to create a record.

Removal is an extraordinary remedy rarely exercised by the Appeals Board. (*Cortez v. Workers' Comp. Appeals Bd.* (2006) 136 Cal.App.4th 596, 599, fn. 5 [71 Cal.Comp.Cases 155];

Kleemann v. Workers' Comp. Appeals Bd. (2005) 127 Cal.App.4th 274, 280, fn. 2 [70 Cal.Comp.Cases 133].) The Appeals Board will grant removal only if the petitioner shows that substantial prejudice or irreparable harm will result if removal is not granted. (Cal. Code Regs., tit. 8, 10955(a); see also *Cortez, supra*; *Kleemann, supra*.) Also, the petitioner must demonstrate that reconsideration will not be an adequate remedy if a final decision adverse to the petitioner ultimately issues. (Cal. Code Regs., tit. 8, § 10955(a).)

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, § 10761.)

Here, the WCJ ordered the matter to trial and the issue listed is whether the approved C&R resolves the claim against Neal Electric when Neal Electric does not appear to have been a party to the C&R, or signed the C&R, but the Order Approving C&R included Neal Electric as a party. It appears the issue in this case is whether the December 15, 2025 Order Approving C&R should be set aside and/or corrected to reflect only the parties who were part of the C&R agreement, and thus, this matter should return to a mandatory settlement conference so that the parties may frame the issue correctly.

Accordingly, we grant removal and as our Decision After Removal, we rescind the order setting the matter for trial issued on February 18, 2026, and return this matter to the trial level to reset the matter for a mandatory settlement conference and create a record.

For the foregoing reasons,

IT IS ORDERED that defendant's Petition for Removal from the order setting the matter for trial issued on February 18, 2026, by the WCJ is **GRANTED**.

IT IS FURTHER ORDERED as the Decision After Removal of the Workers' Compensation Appeals Board that the order setting the matter for trial issued on February 18, 2026, by the WCJ is **RESCINDED**.

IT IS FURTHER ORDERED that this matter is **RETURNED** to the trial level for further proceedings.

WORKERS' COMPENSATION APPEALS BOARD

/s/ ANNE SCHMITZ, DEPUTY COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ CRAIG L. SNELLINGS, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

August 25, 2026

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

**STEVE SORIA
RICHARD SMITH
KARLIN HIURA
HALLETT EMERICK
AZIZ & ASSOCIATES**

EDL/mt

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