

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

TERENCE CHRISMAN, *Applicant*

vs.

**A.C. TRANSIT, permissibly self-insured, administered by
ATHENS ADMINISTRATORS, *Defendants***

**Adjudication Number: ADJ8606673
Oakland District Office**

**OPINION AND ORDER
DISMISSING PETITIONS
FOR RECONSIDERATION**

Applicant has filed multiple petitions seeking reconsideration of the “Opinion and Order Denying Petition for Disqualification” (Order) issued on November 7, 2025, by the Workers’ Compensation Appeals Board. Applicant further seeks reconsideration, in essence, of the entirety of the proceedings in this matter, which we have interpreted as seeking reconsideration of the “Opinion and Order Granting Petition for Reconsideration and Decision After Reconsideration” (Order) issued on November 12, 2024, by the Workers’ Compensation Appeals Board, wherein we affirmed the WCJ’s denial of applicant’s petition to set aside the Order Approving Compromise and Release that issued in this matter. Applicant also filed a Petition for Reconsideration from the Minutes of Hearing and Summary of Evidence, dated April 8, 2024, which could also be construed as seeking reconsideration of the July 5, 2024 Findings and Order (F&O)..

Applicant generally contends that the decisions are all in error.

We have not received an answer from defendant. The WCJ filed a Report and Recommendation on Petition for Reconsideration (Report) recommending that we deny reconsideration.

We have considered the allegations of the Petitions for Reconsideration and the contents of the WCJ’s Report. Based on our review of the record we will dismiss applicant’s Petition for Reconsideration from the November 7, 2025 Order as it is a successive petition. We will also dismiss the Petition for Reconsideration from our November 12, 2024 Order as that petition is both

successive and untimely. We will also dismiss the Petition for Reconsideration from the Minutes of Hearing and Summary of Evidence, dated April 8, 2024, as that petition is both successive and untimely. Lastly, we will admonish applicant that if his conduct in this matter persists, we may consider instituting vexatious litigant proceedings.

DISCUSSION

I.

Former Labor Code section 5909¹ 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.

(§ 5909.)

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 16, 2025, and 60 days from the date of transmission is Saturday, February 14, 2026, which by operation of law means this decision is due by Tuesday, February 17, 2026. (Cal. Code Regs., tit. 8, § 10600(b).)² This decision is issued by or on February 17, 2026, so that we have timely acted on the Petition as required by section 5909(a).

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

² WCAB Rule 10600(b) (Cal. Code Regs., tit. 8, § 10600(b)) states that:

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.

According to the proof of service for the Report and Recommendation by the WCJ, the Report was served on December 16, 2025, and the case was transmitted to the Appeals Board on December 16, 2025. 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 December 16, 2025.

II.

The basis for the Appeals Board decisions in these matters is detailed within the November 12, 2024 Order and November 7, 2025 Order and will not be restated herein.

A petitioning party cannot attack an Appeals Board decision through another petition seeking, in substance, the same relief. Successive petitions are not allowed and may constitute frivolous or bad faith conduct. (See *Crowe Glass Company v. Industrial Acc. Com. (Graham)* (1927) 84 Cal. App. 287; *Navarro v. A&A Farming* (2002) 67 Cal.Comp.Cases 296, 299–300 (Appeals Board en banc)). A party aggrieved by an Appeals Board’s final decision must petition for a writ of review to the Court of Appeal. However, it would appear that the time for applicant to seek review of either of the Orders at issue has passed.

To the extent that applicant argues that the Appeals Board failed to rule on his petition for disqualification within 60 days, applicant is correct. However, no statutory time limit exists to rule on such petitions. It appears that applicant is confusing the process for ruling upon petitions for reconsideration.

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.

There are 25 days allowed within which to file a petition for reconsideration from a “final” decision that has been served by mail upon an address in California. (Lab. Code, §§ 5900(a), 5903; Cal. Code Regs., tit. 8, § 10507(a)(1).) This time limit is extended to the next business day if the last day for filing falls on a weekend or holiday. (Cal. Code Regs., tit. 8, § 10508.) To be timely, however, a petition for reconsideration must be filed (i.e., received) within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10845(a), 10392(a).)

This time limit is jurisdictional and therefore, the Appeals Board has no authority to act upon or consider an *untimely* petition for reconsideration. (*Maranian v. Workers' Comp. Appeals Bd.* (2000) 81 Cal. App. 4th 1068, 1076 [97 Cal. Rptr. 2d 418, 65 Cal. Comp. Cases 650, 656]; *Rymer v. Hagler* (1989) 211 Cal. App. 3d 1171, 1182, 260 Cal. Rptr. 76; *Scott v Workers' Comp. Appeals Bd.* (1981) 122 Cal. App. 3d 979, 984 [176 Cal. Rptr. 267, 46 Cal. Comp. Cases 1008, 1011]; *U.S. Pipe & Foundry Co. v. Industrial Acc. Com. (Hinojoza)* (1962) 201 Cal. App. 2d 545, 549 [27 Cal. Comp. Cases 73, 75–76].)

To the extent that applicant seeks reconsideration from the November 12, 2024 Order, applicant’s petition is both successive and untimely and will be dismissed.

To the extent that applicant seeks reconsideration from the April 8, 2024 Minutes of Hearing and Summary of Evidence and or the July 5, 2024 Findings and Order, applicant’s petition is both successive and untimely and will be dismissed.

Applicant is admonished that pursuant to WCAB Rule 10430 a person may be declared a vexatious litigant where the person: “repeatedly files unmeritorious motions, pleadings or other papers, repeatedly conducts or attempts to conduct unnecessary discovery, or repeatedly engages in other tactics that are in bad faith, are frivolous or are solely intended to cause harassment or unnecessary delay[.]” (Cal. Code Regs., tit. 8, § 10430.) If applicant’s conduct in this matter persists, vexatious litigant proceedings may be instituted.

Accordingly, we dismiss applicant’s Petition for Reconsideration from the November 7, 2025 Order, dismiss the Petition for Reconsideration from our November 12, 2024 Order, and dismiss the Petition for Reconsideration from the Minutes of Hearing and Summary of Evidence, dated April 8, 2024 and or the July 5, 2024 Findings and Order.

IT IS ORDERED that applicant's Petition for Reconsideration of the Minutes of Hearing and Summary of Evidence issued on April 8, 2024 and or the July 5, 2024 F&O by the workers' compensation administrative law judge is **DISMISSED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration of the Opinion and Order Granting Petition for Reconsideration and Decision After Reconsideration issued on November 12, 2024, by the Workers' Compensation Appeals Board is **DISMISSED**.

IT IS FURTHER ORDERED that applicant's Petition for Reconsideration of the Opinion and Order Denying Petition for Disqualification issued on November 7, 2025, by the Workers' Compensation Appeals Board is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE A. ZALEWSKI, CHAIR

I CONCUR,

/s/ JOSEPH V. CAPURRO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

FEBRUARY 17, 2026

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

**TERENCE CHRISMAN
OFFICE OF THE DIRECTOR - LEGAL UNIT (OAKLAND)
COHEN & ASSOCIATES
BOXER & GERSON, LLP**

EDL/mt

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