

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

THELMA BROWN THOMPSON, *Applicant*

vs.

**CALIFORNIA DEPARTMENT OF CORRECTIONS,
CALIFORNIA HEALTH CARE FACILITY;
STATE COMPENSATION INSURANCE FUND, *Defendants***

**Adjudication Number: ADJ12006252
Los Angeles District Office**

**OPINION AND ORDER
DISMISSING PETITION FOR
RECONSIDERATION**

On July 6, 2026, Applicant, in pro per, filed a Petition for Reconsideration of the Opinion and Order Dismissing Reconsideration (Opinion) issued by the Appeals Board on February 9, 2026, which dismissed applicant's December 5, 2025 Petition for Reconsideration as untimely. In the most recent Petition for Reconsideration, applicant once again seeks to challenge the September 19, 2025 Findings and Award (F&A) which was issued by the workers' compensation administrative law judge (WCJ).

We have not received an answer from defendant. The WCJ did not issue a Report and Recommendation on Petition for Reconsideration regarding applicant's most recent Petition for Reconsideration, but the WCJ issued a Report in connection with applicant's December 5, 2025 Petition for Reconsideration.

We have considered the Petition and have reviewed the record in this matter. For the reasons discussed below, we will dismiss applicant's July 6, 2026 Petition.

DISCUSSION

I.

During the period from July 1, 2026 to July 13, 2026, Labor Code section 5909(a) 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(a).)

Here, the Petition for Reconsideration was filed on July 6, 2026, and 60 days from the date of filing is September 4, 2026. This decision is issued by or on September 4, 2026, so that we have timely acted on the petition as required by Labor Code section 5909(a).

II.

Turning now to the merits of the Petition, as the Appeals Board previously explained in their February 9, 2026 Opinion, 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, § 10605(a)(1), former 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, § 10600, former 10508.) To be timely, however, a petition for reconsideration must be filed (i.e., received) by the Appeals Board within the time allowed; proof that the petition was mailed (posted) within that period is insufficient. (Cal. Code Regs., tit. 8, §§ 10940(a), former 10845(a); 10615(a), former 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 [65 Cal. Comp. Cases 650, 656]; *Rymer v. Hagler* (1989) 211 Cal. App. 3d 1171; *Scott v Workers' Comp. Appeals Bd.* (1981) 122 Cal. App. 3d 979, 984 [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].)

Here, our Opinion issued on February 9, 2026 and was served on the official addresses of record for the parties, who are all located within California. Based on the authority cited above, applicant had 25 days, or until Friday, March 6, 2026, to file a timely petition for reconsideration of the Appeals Board’s Opinion. The Petition for Reconsideration was received by the Appeals Board on July 6, 2026, which is untimely at 147 days after the Opinion was served. Thus, the

Appeals Board does not have jurisdiction to hear the Petition because it is untimely and must be dismissed.

Further, as previously stated in the Opinion, even if the Petition had been timely and we were to decide the matter on the merits, we would have denied it based upon the WCJ's analysis contained in the Report issued on December 12, 2025.

Finally, we note the WCJ issued an Order Denying Change of Venue on August 3, 2026. However, because district offices are precluded from acting on a case while it is pending on reconsideration, (Cal. Code Regs., tit. 8, § 10961), the August 3, 2026 Order is void and should be reissued.

Accordingly, we dismiss applicant's Petition for Reconsideration as untimely.

For the foregoing reasons,

IT IS ORDERED that applicant's Petition for Reconsideration of the Opinion and Order Dismissing Reconsideration issued by the Workers' Compensation Appeals Board on February 9, 2026 is **DISMISSED**.

WORKERS' COMPENSATION APPEALS BOARD

/s/ CRAIG L. SNELLINGS, COMMISSIONER

I CONCUR,

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

SEPTEMBER 4, 2026

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

**THELMA BROWN THOMPSON
STATE COMPENSATION INSURANCE FUND**

DC/pm

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