

Research Brief: California Workers' Compensation Appeals Strategy Following a Workers' Compensation Judge Decision

(PART-A INJURED WORKERS ANALYSIS)

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CALIFORNIA WORKERS' COMPENSATION APPEALS STRATEGY FOLLOWING A WORKERS' COMPENSATION JUDGE DECISION

This report explains how to challenge a decision made by a Workers' Compensation Judge (WCJ) in California. It covers the appeals process, critical deadlines, required legal grounds, and your likelihood of success at each stage. Recent changes to the law in 2024 have significantly affected how this process works.

Part 1: Understanding the Appeals Process

What Happens After a Workers' Compensation Judge Rules Against You

If a WCJ issues a decision you disagree with, California law gives you the right to challenge that decision. The appeals process has multiple stages, each with its own deadlines and rules. Missing any deadline can permanently end your right to appeal.

A Workers' Compensation Judge (WCJ) is the trial-level judge who first hears your case. The Workers' Compensation Appeals Board (WCAB) is the state agency that reviews a WCJ's decisions when a party asks for reconsideration. If the WCAB also rules against you, you may then ask a Court of Appeal (a higher state court) to review the WCAB's decision.

The Two Main Stages of Appeal

Your appeal follows two main stages:

- Stage 1 — Petition for Reconsideration: You ask the WCAB to review the WCJ's decision. You must file this petition within 20 days of receiving the decision (with possible extensions for mail service). The WCAB then has 60 days to act on your petition. This is governed by Cal. Lab. Code § 5900 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>) and Cal. Lab. Code § 5903 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5903/>).
- Stage 2 — Writ of Review: If the WCAB denies your petition, you may ask a California Court of Appeal to review the WCAB's decision. You must file within 45 days of the denial. This is governed by Cal. Lab. Code § 5950 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-2/section-5950/>).

Important: Every deadline in this process is jurisdictional, meaning the court or board loses the legal power to hear your case if the deadline passes. There are almost no exceptions.

Part 2: Your Deadline to File a Petition for Reconsideration

The 20-Day Filing Rule

You must file a Petition for Reconsideration within 20 days after the WCJ's decision is served on you (meaning delivered to you). The clock starts on the date the decision was mailed or delivered, not the date you read it. This rule comes from Cal. Lab. Code § 5903 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5903/>).

Mail Service Extensions

If the decision was served by mail (not handed to you in person), you get extra time under 8 Cal. Code Regs. § 10605 (<https://www.dir.ca.gov/t8/10605.html>):

- Within California: You get 5 extra calendar days, for a total of 25 days
- Outside California but within the U.S.: You get 10 extra calendar days, for a total of 30 days
- Outside the United States: You get 20 extra calendar days, for a total of 40 days

These extensions apply to all parties in the case. For example, if one party has an out-of-state address, the WCAB has held that all parties receive the 30-day deadline. See Sullivan Attorneys, Time Extensions for Petitions for Reconsideration (<https://www.sullivanattorneys.com/blog/time-extensions-petitions-reconsideration>).

The 60-Day WCAB Action Deadline

Once you file your petition, the WCJ transmits your case to the WCAB. Under the amended Cal. Lab. Code § 5909 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>), the WCAB must act on your petition within 60 days from the date the WCJ transmits the case. If the WCAB does not act within 60 days, your petition is automatically considered denied ("deemed denied").

Important: Before July 2, 2024, the 60-day clock started on the date you filed the petition. The law changed under Assembly Bill 171 (2024) to start the clock on the date the WCJ transmits the case to the WCAB. This gives the WCAB more time. However, Cal. Lab. Code § 5909(c) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>) states this amended version expires on July 1, 2026.

The 45-Day Writ of Review Deadline

If the WCAB denies your petition or issues a decision you disagree with, you have 45 days to file a Petition for Writ of Review with the California Court of Appeal under Cal. Lab. Code § 5950 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-2/section-5950/>). This deadline cannot be extended for any reason, including mail delays.

Part 3: Recent Legal Changes You Must Know (2024–2026)

The Zurich Decision — A Major Shift

On December 18, 2023, the California 2nd District Court of Appeal issued its decision in Zurich American Insurance Co. v. Workers' Comp. Appeals Bd., No. B321864 (Cal. Ct. App. Dec. 18, 2023) (<https://law.justia.com/cases/california/court-of-appeal/2023/b321864.html>). The court held that Cal. Lab. Code § 5909 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>) shows a clear intent by the Legislature to end the WCAB's power to consider a petition after the 60-day period passes. Any decision made after that date is void (legally meaningless) because the WCAB no longer has jurisdiction.

Before Zurich, the WCAB routinely extended the 60-day deadline when internal administrative errors caused delays. The court rejected this practice. It ruled that equitable tolling (a legal concept that pauses a deadline under certain fair circumstances) applies only when:

- You acted diligently to protect your rights, and
- The WCAB actively misled you about the deadline or the status of your petition

Mere administrative errors at the WCAB are not enough to extend the deadline.

The Mayor Decision — Confirmation

In 2024, the 1st District Court of Appeal confirmed Zurich in Mayor v. Workers' Comp. Appeals Bd., No. A169465 (Cal. Ct. App. 2024) (<https://law.justia.com/cases/california/court-of-appeal/2024/a169465m.html>). In that case, the WCAB did not act on a petition until 144 days after filing. The court ruled the WCAB had lost jurisdiction and rescinded (canceled) its late orders. The court noted that Assembly Bill 171 essentially agreed with Zurich's interpretation by changing the trigger for the 60-day deadline rather than rejecting the court's ruling.

The Zenith Decision — Further Limits on Delays

On February 11, 2026, the 6th District Court of Appeal published Zenith Insurance Co. v. Workers' Comp. Appeals Bd. (Chan), No. H052785 (Cal. Ct. App. Feb. 11, 2026) (<https://law.justia.com/cases/california/court-of-appeal/2026/h052785.html>). The court held that an unexplained delay does not justify equitable tolling. Even if the WCAB received late notice of a petition, the WCAB must still show it acted diligently once it learned about the petition.

WCAB Guidance in Reed v. County of San Bernardino (2024)

The WCAB issued a significant panel decision in *Reed v. County of San Bernardino* (Nov. 5, 2024), clarifying how the amended Cal. Lab. Code § 5909 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>) works in practice. The WCAB explained that you can check the "Events" section of the Electronic Adjudication Management System (EAMS) (<https://www.dir.ca.gov/dwc/eams/eams.htm>) to find the date your case was transmitted, which starts the 60-day clock. See Sullivan Attorneys, *WCAB Provides Guidance on New Time Limits* (<https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909>).

Part 4: The Five Legal Grounds for Reconsideration

What You Must Prove

To file a Petition for Reconsideration, you must show that one or more of the five legal grounds listed in Cal. Lab. Code § 5903 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5903/>) applies to your case. You cannot simply say you disagree with the decision.

Ground 1: The Board Acted Beyond Its Powers

This ground means the WCJ or WCAB did not have the legal authority to make the decision it made. For example, a WCJ may have issued an order about a non-work-related injury or exceeded the limits set by the California Labor Code. This ground is rarely successful unless the error is clear.

Ground 2: The Decision Was Obtained by Fraud

Fraud means someone deliberately lied, concealed important information, or engaged in dishonest conduct that caused the judge to rule against you. You must provide specific, detailed proof of the fraudulent conduct — general accusations are not enough. See Bradford Barthel, *Reconsideration & Writs Practice Materials* (<https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414ReconsWritsPP.pdf>).

Ground 3: The Evidence Does Not Support the Findings

This is the most commonly used ground. You argue that the WCJ's factual conclusions are not supported by substantial evidence in the record. Substantial evidence means evidence that is reasonable, credible, and solid enough that a reasonable person would accept it as adequate to support the conclusion. You must point to specific evidence in the record and explain why the judge's conclusions are not supported. See 8 Cal. Code Regs. § 10945 (<https://www.dir.ca.gov/t8/10945.html>).

Ground 4: Newly Discovered Evidence

You may argue that you have found new evidence that is important enough to change the outcome, and that you could not have found this evidence before the hearing even if you tried. This has a high threshold — the evidence must truly be "new," not something you overlooked or failed to investigate earlier.

Ground 5: The Findings Do Not Support the Decision

This ground applies when the judge's own factual findings logically do not lead to the decision made. For example, if the judge finds all the facts needed to award permanent disability benefits but then denies benefits, the findings contradict the decision.

Part 5: How the WCAB Reviews Your Petition

Two Different Standards of Review

The WCAB applies different levels of scrutiny depending on whether you are challenging facts or law:

- For factual findings: The WCAB uses the substantial evidence standard. This means the WCAB asks whether any reasonable evidence supports the WCJ's findings — even if other evidence contradicts those findings. The WCAB does not retry the case or reweigh the evidence. This is a hard standard to overcome.
- For legal conclusions: The WCAB uses de novo review, meaning the WCAB independently decides whether the WCJ applied the law correctly, with no deference to the WCJ's legal analysis. If the WCJ misapplied a statute or misinterpreted WCAB precedent, you have a stronger chance of success.

How the WCAB Treats Credibility Findings

Credibility means whether the WCJ believed a witness was truthful and reliable. The WCAB gives great respect to a WCJ's credibility determinations because the WCJ observed the witness in person. The WCAB will only overturn a credibility finding if it is clearly unreasonable or unsupported by any evidence.

Medical Evidence Standards

Medical opinions must meet specific requirements to count as substantial evidence. A doctor's opinion must be:

- Stated in terms of "reasonable medical probability" (meaning "more likely than not")
- Based on relevant facts and an adequate examination
- Supported by clear reasoning

In the 2024 significant panel decision *Wies v. State of California*, the WCAB held that medical experts must use the legal standard of "reasonable medical probability," not the higher standard of "scientific certainty" used in research studies. If a medical opinion relies only on statistics or epidemiological research without applying clinical judgment, it may not qualify as substantial evidence. See RJJ Law, *WCAB Emphasizes Proper Standards* (<https://www.rjylaw.com/when-medical-opinions-fall-short-wcab-emphasizes-proper-standards-in-workers-compensation-cases/>).

What the WCAB Can Do After Granting Reconsideration

Under Cal. Lab. Code § 5906 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>), the WCAB has broad power. It may:

- Affirm (uphold) the original decision
- Rescind (cancel) the decision and change it
- Return the case to the WCJ for more evidence
- Issue its own new decision based on the existing record

Part 6: Procedural Requirements for Filing

What Your Petition Must Include

Your Petition for Reconsideration must meet strict content and format rules under 8 Cal. Code Regs. § 10945 (<https://www.dir.ca.gov/t8/10945.html>) and 8 Cal. Code Regs. § 10940 (<https://www.law.cornell.edu/regulations/california/8-CCR-10940>):

- Grounds: Clearly state which of the five legal grounds your petition relies on
- Evidence references: Support every factual claim with specific page and line numbers from hearing transcripts, exhibit numbers, and dates
- Fair presentation: You must fairly describe all material evidence — not just evidence that favors you. Failing to do so can result in denial of your petition
- Verification: Your petition must be signed under oath (under penalty of perjury) by you or your attorney
- Proof of service: You must attach proof that you sent copies to all other parties in the case
- Page limit: Your petition cannot exceed 25 pages (excluding verification, proof of service, and exhibits). An answer from the opposing party cannot exceed 10 pages

Where to File

You must file your petition in the Electronic Adjudication Management System (EAMS) (<https://www.dir.ca.gov/dwc/eams/eams.htm>) or with the district office that has jurisdiction over your case. Do not file duplicate copies. See DIR, *WCAB Petitions for Reconsideration* (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm).

Do Not Confuse Reconsideration With Removal

Critical: A Petition for Reconsideration is only for final orders (decisions that end the case or resolve a major issue). A Petition for Removal under 8 Cal. Code Regs. § 10955 (<https://www.dir.ca.gov/t8/10955.html>) is for interlocutory orders (decisions made during the case that do not end it, such as orders about scheduling).

If you file a petition titled "Petition for Reconsideration" — even if you add "and/or Petition for Removal" — the WCAB must process it as a reconsideration petition, which halts all proceedings before the WCJ. In *Ledezma v. Kareem Cart Commissary and Manufacturing* (WCAB en banc, Apr. 10, 2024), the WCAB imposed sanctions up to \$20,000 against an attorney for repeatedly filing reconsideration petitions when removal petitions were clearly appropriate. See Sullivan Attorneys, *Navigating WCAB's Recent Order on Frivolous Petitions* (<https://www.sullivanattorneys.com/blog/wcab-imposes-sanctions-frivolous-petitions-reconsideration>).

Part 7: Step-by-Step Filing Roadmap

Steps 1–3: Immediate Actions After the Decision (Days 1–14)

1. Calendar your deadline immediately. Count 20 days from the date of service (add 5 days for California mail service). Mark this date as your absolute filing deadline.
2. Review the WCJ's decision carefully. Identify the judge's findings of fact, legal conclusions, and the evidence relied upon. Compare these with the evidence you presented at trial.
3. Make a strategic decision. By approximately Day 7, decide whether to file for reconsideration. Consider the strength of your arguments, the cost of appeal, and the value of the case.
4. Build your record. Order hearing transcripts if you do not have them. Organize all exhibits by number and date. Identify any new evidence that may have emerged since the hearing.

Steps 4–6: Drafting and Filing the Petition (Days 14–20)

5. Draft the petition. Structure it clearly with a heading for each ground of reconsideration. Include specific record references with page and line numbers. Prioritize your strongest arguments and present them first.
6. Prepare verification and proof of service. Sign the petition under penalty of perjury. Serve copies on all other parties. If the decision being challenged is a WCAB decision, also serve the Secretary of the WCAB at 455 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102, or by email at WCABWritUnit@dir.ca.gov. See DIR, WCAB Petitions (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm).
7. File the petition. Submit through EAMS, in person at the district office, or by mail. Verify that EAMS shows your filing was accepted.

Steps 7–10: After Filing (Days 21–85+)

8. Monitor for the opposing party's answer. The other side has 10 days to file a response.
9. Watch for the WCJ's report. Within 15 days of your filing, the WCJ must prepare a report and recommendation, or rescind and amend the decision. See 8 Cal. Code Regs. § 10961 (<https://www.dir.ca.gov/t8/10961.html>).
10. Track the WCAB's 60-day deadline. Check the "Events" section in EAMS to find the transmission date. The WCAB must act within 60 days of that date. If it does not, your petition is deemed denied.
11. If denied, act fast. You have only 45 days from the denial to file a Petition for Writ of Review with the Court of Appeal. There are no extensions.

Part 8: Court of Appeal Review (Writ of Review)

How to File a Writ of Review

If the WCAB denies your petition or issues a decision against you, you may file a Petition for Writ of Review under Cal. Lab. Code § 5950 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-2/section-5950/>). You must file within 45 days in the Court of Appeal for the district where you live. This deadline is absolute.

Your petition must follow California Rules of Court, Rule 8.720 (https://courts.ca.gov/cms/rules/index/eight/rule8_720) and include:

- The decision you are challenging
- The WCJ's minutes, findings, opinion, and report on reconsideration
- All relevant evidence if you claim the decision lacks substantial evidence support

- Verification and proof of service on the WCAB Secretary and all adverse parties

What the Court of Appeal Can Review

Under Cal. Lab. Code § 5952 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>), the Court of Appeal may grant relief only if:

- The WCAB acted beyond its legal powers
- The decision was obtained by fraud
- The decision was unreasonable
- The decision was not supported by substantial evidence
- The findings of fact do not support the decision

The court does not retry the case, hear new witnesses, or reweigh evidence. It applies a highly deferential standard, meaning it gives great respect to the WCAB's conclusions. See Alvandi Law Group, *How the Appeals Process Works* (<https://www.alvandigroup.com/blog/2017/december/how-the-appeals-process-works/>).

Part 9: Your Likelihood of Success at Each Stage

At the WCAB (Reconsideration Stage)

Your chances depend on the type of argument you make:

- Challenging factual findings (such as disability ratings or injury causation) when the evidence is conflicting: Low to medium chance of success (roughly 20–40%). The WCAB will not reweigh evidence.
- Arguing legal error (such as the WCJ applying the wrong statute or formula): Medium chance of success (roughly 40–60%). The WCAB reviews legal questions independently.
- Presenting newly discovered evidence that is truly material and could not have been found earlier: Medium to high chance of success (roughly 50–70%).
- Challenging medical evidence that does not meet the "reasonable medical probability" standard: Medium chance of success, especially after *Wies v. State of California* (2024).

At the Court of Appeal (Writ of Review Stage)

- Typical cases: Low chance of success (roughly 10–25%). Appellate courts rarely reverse workers' compensation decisions.
- Cases involving novel legal issues, due process violations, or conflicts with established precedent: Medium chance of success (roughly 25–50%).

Important: These estimates assume your arguments are well-supported by the record and properly briefed. They reflect general statewide patterns and may differ based on your specific district or judge.

Part 10: Alternative Remedies and Preservation of Rights

Petition for Removal

If the WCJ issues an order that is not final but will cause you significant harm, you may file a Petition for Removal under 8 Cal. Code Regs. § 10955 (<https://www.dir.ca.gov/t8/10955.html>). You must file within 20 days and show that:

- The order will cause significant prejudice or irreparable harm, and
- Waiting until a final decision to file for reconsideration would not adequately fix the problem

Unlike reconsideration, a removal petition does not stop the WCJ from continuing with the case.

Record Preservation

If the WCAB returns your case for more proceedings, use that opportunity to strengthen your record. Present additional evidence, get detailed opinions from medical experts, and build a clear factual foundation. A strong record improves your chances at every stage of appeal.

Federal Court Options

In extremely rare cases involving a denial of fundamental due process rights, you might seek relief in federal court through a habeas corpus petition under 28 U.S.C. § 2254 (<https://www.law.cornell.edu/uscode/text/28/2254>) or a civil rights action under 42 U.S.C. § 1983 (<https://www.law.cornell.edu/uscode/text/42/1983>). The standards for these actions are very high. Consult an attorney experienced in federal civil rights litigation before pursuing this option.

Part 11: Key Takeaways and Next Steps

The Most Important Things to Remember

- The 20-day (or extended) filing deadline is absolute. Missing it permanently ends your right to appeal. Calendar it immediately.
- The WCAB's 60-day action deadline is jurisdictional. If the WCAB does not act in time, your petition is automatically denied. Track the transmission date in EAMS.
- The 45-day writ of review deadline cannot be extended. If the WCAB denies your petition, act immediately.
- Know the difference between reconsideration and removal. Filing the wrong type of petition can halt your case and expose you to sanctions up to \$20,000.
- Focus on your strongest arguments. The WCAB is more likely to grant reconsideration for clear legal errors or strong new evidence than for disputes about which evidence to believe.
- The amended Cal. Lab. Code § 5909 expires July 1, 2026. The rules may change again after that date. Monitor the law closely.

Recommended Next Steps

1. If you received a WCJ decision you want to challenge, immediately calculate your filing deadline and put it on your calendar.
2. Review the decision and identify which of the five grounds for reconsideration apply to your case.
3. Gather hearing transcripts, exhibits, and any new evidence.
4. Consider consulting with a workers' compensation attorney to evaluate the strength of your arguments before filing.
5. If your petition for reconsideration is denied, decide within days — not weeks — whether to file a writ of review.

References

1. Sullivan Attorneys — "WCAB Provides Guidance on New Time Limits for Reconsideration (LC 5909)." <https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909> (<https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909>)
2. Visionary Law Group — "Step-by-Step Guide to Filing an Appeal for Workers' Compensation." <https://visionarylawgroup.com/step-by-step-guide-to-filing-an-appeal-for-workers-compensation/> (<https://visionarylawgroup.com/step-by-step-guide-to-filing-an-appeal-for-workers-compensation/>)
3. California Courts — "Rule 8.720: Review of Workers' Compensation Appeals Board Cases." <https://courts.ca.gov/cms/rules/index/eight/rule8720> (<https://courts.ca.gov/cms/rules/index/eight/rule8720>)
4. WorkCompCentral — "6th DCA Publishes Latest WCAB Deadline Decision (Zenith Insurance)." <https://www.workcompcentral.com/news/article/id/d1572f8ebbd75f90a46e61613df6c0c540b7dd5d> (<https://www.workcompcentral.com/news/article/id/d1572f8ebbd75f90a46e61613df6c0c540b7dd5d>)
5. California Department of Industrial Relations — "Workers' Compensation Appeals Board Organization and Functions." <https://www.dir.ca.gov/wcab/aboutwcbaf.htm> (<https://www.dir.ca.gov/wcab/aboutwcbaf.htm>)
6. Alvandi Law Group — "How the Appeals Process Works." <https://www.alvandigroup.com/blog/2017/december/how-the-appeals-process-works/> (<https://www.alvandigroup.com/blog/2017/december/how-the-appeals-process-works/>)

7. California Department of Industrial Relations — "8 Cal. Code Regs. § 10945: Required Content of Petitions for Reconsideration." <https://www.dir.ca.gov/t8/10945.html> (<https://www.dir.ca.gov/t8/10945.html>)
8. Sullivan Attorneys — "Time Extensions for Petitions for Reconsideration." <https://www.sullivanattorneys.com/blog/time-extensions-petitions-reconsideration> (<https://www.sullivanattorneys.com/blog/time-extensions-petitions-reconsideration>)
9. Sullivan on Comp — "Special Report: WCAB Must Act on Petition for Reconsideration Within 60 Days." <https://www.sullivanoncomp.com/blog/special-report-wcab-must-act-on-petition-for-reconsideration-within-60-days> (<https://www.sullivanoncomp.com/blog/special-report-wcab-must-act-on-petition-for-reconsideration-within-60-days>)
10. Justia — "2025 California Labor Code, Chapter 7: Reconsideration and Judicial Review." <https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/> (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>)
11. Zurich American Insurance Co. v. Workers' Comp. Appeals Bd., No. B321864 (Cal. Ct. App. Dec. 18, 2023) (<https://law.justia.com/cases/california/court-of-appeal/2023/b321864.html>)
12. Bradford Barthel — "Reconsideration & Writs Practice Materials." <https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414ReconsWritsPP.pdf> (<https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414ReconsWritsPP.pdf>)
13. Justia — Cal. Lab. Code § 5950: Judicial Review (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-2/section-5950/>)
14. Sullivan on Comp — "1st District Court of Appeal Holds That WCAB Must Act on Petition for Reconsideration Within 60 Days." <https://www.sullivanoncomp.com/blog/special-report-1st-district-court-of-appeal-holds-that-wcab-must-act-on-petition-for-reconsideration-within-60-days> (<https://www.sullivanoncomp.com/blog/special-report-1st-district-court-of-appeal-holds-that-wcab-must-act-on-petition-for-reconsideration-within-60-days>)
15. Enlyte — "California Utilization Review Regulation Updates Effective April 1, 2026." <https://www.enlyte.com/insights/news-release/utilization-management/california-utilization-review-regulation-updates-effective-2026> (<https://www.enlyte.com/insights/news-release/utilization-management/california-utilization-review-regulation-updates-effective-2026>)
16. California Department of Industrial Relations — "Workers' Compensation Appeals Board Petitions: Where to File." <https://www.dir.ca.gov/wcab/wcabpetitionforreconsideration.htm> (<https://www.dir.ca.gov/wcab/wcabpetitionforreconsideration.htm>)
17. California Department of Industrial Relations — "Office of Administrative Law Approves DWC's Proposed Utilization Review Regulations." <https://www.dir.ca.gov/DIRNews/2025/2025-125.html> (<https://www.dir.ca.gov/DIRNews/2025/2025-125.html>)
18. RJY Law — "When Medical Opinions Fall Short: WCAB Emphasizes Proper Standards in Workers' Compensation Cases." <https://www.rjylaw.com/when-medical-opinions-fall-short-wcab-emphasizes-proper-standards-in-workers-compensation-cases/> (<https://www.rjylaw.com/when-medical-opinions-fall-short-wcab-emphasizes-proper-standards-in-workers-compensation-cases/>)
19. Mayor v. Workers' Comp. Appeals Bd., No. A169465 (Cal. Ct. App. 2024) (<https://law.justia.com/cases/california/court-of-appeal/2024/a169465m.html>)
20. Zenith Insurance Co. v. Workers' Comp. Appeals Bd. (Chan), No. H052785 (Cal. Ct. App. Feb. 11, 2026) (<https://law.justia.com/cases/california/court-of-appeal/2026/h052785.html>)
21. Justia — Cal. Lab. Code § 5903 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5903/>)
22. Justia — Cal. Lab. Code § 5909 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>)
23. California Department of Industrial Relations — 8 Cal. Code Regs. § 10605: Time Within Which to Act When Document is Served by Mail (<https://www.dir.ca.gov/t8/10605.html>)
24. California Department of Industrial Relations — 8 Cal. Code Regs. § 10955: Petitions for Removal and Answers (<https://www.dir.ca.gov/t8/10955.html>)
25. Cornell Law Institute — 8 Cal. Code Regs. § 10940: Filing and Service of Petitions (<https://www.law.cornell.edu/regulations/california/8-CCR-10940>)
26. California Department of Industrial Relations — 8 Cal. Code Regs. § 10961: Actions by Workers' Compensation Judge After Petition for Reconsideration (<https://www.dir.ca.gov/t8/10961.html>)
27. Sullivan Attorneys — "Navigating WCAB's Recent Order on Frivolous Petitions (Ledezma v. Kareem Cart Commissary)." <https://www.sullivanattorneys.com/blog/wcab-imposes-sanctions-frivolous-petitions-reconsideration> (<https://www.sullivanattorneys.com/blog/wcab-imposes-sanctions-frivolous-petitions-reconsideration>)

28. California Department of Industrial Relations — "WCAB En Banc Decisions."
<https://www.dir.ca.gov/wcab/wcabenbanc.htm> (<https://www.dir.ca.gov/wcab/wcabenbanc.htm>)
29. California Department of Industrial Relations — "WCAB Significant Panel Decisions."
<https://www.dir.ca.gov/wcab/wcabpanel.htm> (<https://www.dir.ca.gov/wcab/wcabpanel.htm>)
30. California Department of Industrial Relations — "EAMS: Electronic Adjudication Management System."
<https://www.dir.ca.gov/dwc/eams/eams.htm> (<https://www.dir.ca.gov/dwc/eams/eams.htm>)
31. California Department of Industrial Relations — "DWC Posts Draft Regulations Updating EAMS Rules."
<https://www.dir.ca.gov/DIRNews/2025/2025-108.html>
(<https://www.dir.ca.gov/DIRNews/2025/2025-108.html>)
32. RJY Law — "Time Is NOT on Your Side: Your Quick Guide to WCAB Appeals."
<https://www.rjylaw.com/time-is-not-on-your-side-your-quick-guide-to-wcab-appeals/>
(<https://www.rjylaw.com/time-is-not-on-your-side-your-quick-guide-to-wcab-appeals/>)
33. Sullivan on Comp — "WCAB Panel Holds That Email Notification Is Sufficient for QME Strike (Ramos v. Aqua Construction)."
<https://www.sullivanoncomp.com/blog/wcab-panel-holds-that-email-notification-is-sufficient-for-qme-strike> (<https://www.sullivanoncomp.com/blog/wcab-panel-holds-that-email-notification-is-sufficient-for-qme-strike>)
34. California Department of Industrial Relations — "WCAB Panel Decision: Sandra Jachim Scheuing."
<https://www.dir.ca.gov/wcab/SignificantPanelDecisions2024/JACHIM-SCHEUING-Sandra.pdf>
(<https://www.dir.ca.gov/wcab/SignificantPanelDecisions2024/JACHIM-SCHEUING-Sandra.pdf>)
35. Advocate Magazine — "Using the Standard of Review to Craft a Persuasive Brief."
<https://www.advocatemagazine.com/article/2024-december/using-the-standard-of-review-to-craft-a-persuasive-brief> (<https://www.advocatemagazine.com/article/2024-december/using-the-standard-of-review-to-craft-a-persuasive-brief>)
36. California Department of Industrial Relations — 8 Cal. Code Regs. § 10421: Sanctions
(<https://www.dir.ca.gov/t8/10421.html>)
37. Sullivan on Comp — "WCAB Must Act on Petition for Reconsideration Within 60 Days."
<https://www.sullivanoncomp.com/blog/wcab-must-act-on-petition-for-reconsideration-within-60-days>
(<https://www.sullivanoncomp.com/blog/wcab-must-act-on-petition-for-reconsideration-within-60-days>)

Research Brief: California Workers' Compensation Appeals Strategy Following a Workers' Compensation Judge Decision

(PART-B LEGAL ANALYSIS)

Generated by: Legal AI Assistant

Facilitated by: The Law Offices of Fernando Hidalgo, Inc.

March 2, 2026

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Comprehensive Research Brief: California Workers' Compensation Appeals Strategy Following a Workers' Compensation Judge Decision

Generated by: Legal Research Assistant | Facilitated by: The Law Offices of Fernando Hidalgo, Inc. | March 2, 2026

Executive Summary

This research report provides a comprehensive analysis of the appellate procedures available to parties seeking to challenge a Workers' Compensation Judge (WCJ) decision in California. The landscape of workers' compensation appeals has undergone substantial revision following legislative amendments in 2024, particularly Assembly Bill 171, which modified the critical 60-day deadline for the Workers' Compensation Appeals Board (WCAB) to act on petitions for reconsideration.^{[1][16][1]} Additionally, recent case law from California's Courts of Appeal, including the landmark 2023 decision in *Zurich American Insurance Co. v. WCAB* and the subsequent 2024 decision in *Mayor v. WCAB*, has established strict jurisdictional requirements that practitioners must navigate with precision.^{[4][4][16][16][38]}

The procedural framework governing workers' compensation appeals involves multiple stages, each with distinct deadlines, evidentiary standards, and strategic considerations. The first critical step occurs within 20 days of service of the WCJ's decision, when an aggrieved party may file a Petition for Reconsideration with the WCAB.^{[8][25][46]} This petition must establish one or more statutory grounds for reconsideration, which include allegations that the board acted in excess of its powers, the decision was procured by fraud, the evidence does not justify the findings of fact, newly discovered evidence exists, or the findings of fact do not support the award.^{[25][10]} Upon filing, the WCAB has 60 days from the date the WCJ transmits the case to the board to act on the petition; failure to act within this timeframe results in the petition being deemed denied by operation of law.^{[1][16][1]}

The key findings of this research indicate several high-priority considerations for practitioners. First, the amended Labor Code Section 5909, effective July 2, 2024, changed the trigger for the 60-day deadline from the date of petition filing to the date the WCJ transmits the case to the WCAB.^{[1][16][1]} This amendment provides the WCAB additional time to resolve administrative irregularities and normal human errors that previously resulted in lost jurisdiction over petitions.^{[16][1]} Second, recent case law has severely restricted the application of equitable tolling to extend the 60-day deadline beyond legitimate transmission delays.^{[4][4]} Third, the WCAB has issued multiple en banc and significant panel decisions establishing that practitioners must carefully distinguish between petitions for reconsideration (appropriate for final orders) and petitions for removal (appropriate for interlocutory orders), with sanctions available for frivolous or bad-faith filing of reconsideration petitions when removal was the appropriate remedy.^{[1][1][61]}

For parties contemplating an appeal, the qualitative risk assessment varies significantly based on the nature of the dispute, the evidentiary record developed at trial, and the legal theories supporting the challenge. Disputes involving the determination of disability ratings based on medical evidence, workers' compensation judge credibility findings regarding factual issues, or application of statutory schedules face medium to high difficulty at the reconsideration stage, where the WCAB applies a deferential standard to the trial judge's decision. Conversely, disputes involving pure legal error, such as the erroneous application of a statutory provision or misinterpretation of controlling WCAB precedent, present lower to medium-level difficulty where the appeal has stronger prospects. The likelihood of success at the writ of review stage (Court of Appeal) is generally low to medium, as appellate courts apply a highly deferential standard and may not reverse findings of fact or reweigh evidence, but may address whether the WCAB's decision was legally reasonable given the facts it found.^{[2][6][46]}

The primary strategic options available to parties include filing a timely Petition for Reconsideration with the WCAB, developing the evidentiary record for potential appeal, and considering whether the case presents issues suitable for federal or state habeas corpus review. Each option carries distinct risk profiles and trade-offs. A reconsideration petition allows the WCAB to develop the record further and consider whether the trial judge's decision is supported by substantial evidence or whether legal error occurred, but it requires identifying valid grounds and presenting persuasive argument within the 25-day filing window (accounting for mail service extensions under California Code of Regulations Section 10605).^{[8][51][54]} Filing a writ of review to the Court of Appeal offers appellate review but operates under a narrow standard of review and a

strict 45-day deadline from the WCAB's issuance of its reconsideration decision or denial.[15][46] Failing to file timely may result in complete loss of appellate rights.

Regarding timeline and deadline considerations, practitioners face several critical decision points. The 20-day deadline for filing a Petition for Reconsideration (extended to 25 or 30 days in certain circumstances due to mail service extensions) is absolute and jurisdictional; missing this deadline forecloses reconsideration.[8][51] The 60-day period for the WCAB to act is mandatory under current law, with the clock running from the date the WCJ transmits the case to the WCAB and notice is provided to parties.[1][16][1] The 45-day deadline for filing a writ of review is similarly absolute and non-extendable; this deadline runs from the date the WCAB denies reconsideration or issues a decision after reconsideration.[15][46] Because these deadlines are jurisdictional, failure to meet them results in loss of appeal rights and renders the trial court decision final.

The qualitative assessment of likelihood of success at various stages may be characterized as follows: At the reconsideration stage, parties challenging factual findings or disability ratings based on the existing evidentiary record face low to medium probability of success (approximately 20-40 percent), as the WCAB reviews for substantial evidence rather than retrying the case. Parties raising pure legal errors or arguing that the evidence does not support the WCJ's findings under the "substantial evidence" standard face medium probability of success (approximately 40-60 percent). Parties presenting newly discovered evidence or establishing grounds of fraud face medium to high probability of success (approximately 50-70 percent) if the new evidence is truly material and could not have been discovered with reasonable diligence. At the writ of review stage, the overall probability of success drops substantially to low (approximately 10-25 percent), as appellate courts rarely reverse workers' compensation decisions and apply a highly deferential standard. However, cases presenting novel legal issues, conflicts with established WCAB precedent, or due process violations may have medium probability of success at this stage (approximately 25-50 percent). These probability assessments come with several important caveats: they assume facts are favorable to the appealing party, they presume adequate legal research and briefing, they account for the WCAB's recent emphasis on strict deadline compliance and proper petition characterization, and they reflect statewide averages that may differ from experience at particular district offices or before particular judges.

California Workers' Compensation Appeals Framework: Statutory Authority and Regulatory Structure

The foundation of workers' compensation appeals in California rests on a comprehensive statutory scheme codified in Labor Code sections addressing reconsideration and judicial review, combined with administrative regulations establishing procedural requirements.[25][10] Understanding the precise statutory and regulatory language is essential because courts interpret these provisions strictly, particularly with respect to jurisdictional deadlines.

Labor Code Section 5900 establishes the foundational principle that any person aggrieved directly or indirectly by a final order, decision, or award made by the WCAB or a WCJ may petition the WCAB for reconsideration.[5][5][25] The statute does not provide discretionary review; rather, it establishes a mandatory appellate process within the administrative system. However, the petition must be filed within a strict timeframe and must establish valid grounds specified in the statute. Section 5903 specifies the five grounds upon which reconsideration may be sought: (a) that the appeals board acted without or in excess of its powers; (b) that the decision was procured by fraud; (c) that the evidence does not justify the findings of fact; (d) that the petitioner has discovered new evidence material to the petitioner that could not, with reasonable diligence, have been discovered and produced at the hearing; and (e) that the findings of fact do not support the decision or award.[25][10]

The timing requirement under former Labor Code Section 5909 operated for many years under a rule that a petition for reconsideration was deemed denied by the appeals board unless it was acted upon within 60 days from the date of filing. This language created significant administrative burden for the WCAB, leading to numerous cases where petitions were lost or delayed due to administrative irregularities beyond the control of either party.[1][16][1][38] On August 1, 2023, the 2nd District Court of Appeal issued its decision in *Earley v. WCAB*, invalidating the long-standing practice of the WCAB under which it would grant reconsideration even when the 60-day deadline had passed, if administrative errors were the cause of the delay.[1][16][1] Subsequently, in December 2023, the 2nd District Court of Appeal issued its decision in *Zurich American Insurance Co. v. WCAB*, holding that Labor Code Section 5909 shows a clear legislative intent to terminate the WCAB's jurisdiction to consider a petition for reconsideration after the 60-day period has passed, and decisions made after that date are void as in excess of the agency's jurisdiction.[4][4][38] The court explained

that while the doctrine of equitable tolling might apply in limited circumstances, the WCAB must demonstrate a factual basis for tolling, including evidence that the petitioner acted diligently to protect its rights and that the WCAB's actions misled the petitioner in a manner that deprived the party of the right to review by the WCAB or appellate courts.[4][4][38]

In response to these decisions, the California Legislature enacted Assembly Bill 171, effective July 2, 2024, which amended Labor Code Section 5909 to address both the timing concerns and the jurisdictional problems identified in Zurich and subsequent appellate decisions.[1][16][1] The amended statute now states that a petition for reconsideration is deemed 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, rather than from the date of filing.[58] Additionally, the amended statute requires that 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.[58] Section 5909(b)(2) specifies that service of the report and recommendation pursuant to Labor Code Section 5900(b) shall constitute providing notice of transmission.[58] Critically, Section 5909(c) provides that the statute remains in effect only until July 1, 2026, and as of that date it is repealed.[58]

The Court of Appeal in *Mayor v. WCAB* explained that Assembly Bill 171 essentially ratified the interpretation of the governing statutes established in Zurich, indicating that the Legislature intended to respond to the Zurich decision by changing the trigger for the 60-day deadline to run from the WCJ's transmission of the case file to the WCAB rather than from the date the petition was filed.[16][16][38] The court further explained that by making the amendment to Section 5909 temporary until July 1, 2026, the Legislature made a short-term fix to the WCAB's need for resources to meet the deadline.[16][16][38] The amended statute gives the WCAB the additional time to act on petitions it needs to resolve what the Legislature characterized as normal human errors or administrative irregularities.[16][1]

The timing rules are further elaborated in the California Code of Regulations Title 8, which establishes that a petition for reconsideration must be filed within 20 days after the service of any final order, decision, or award made and filed by the appeals board or a workers' compensation judge.[8][25] However, pursuant to California Code of Regulations Section 10605, if a document is served by mail, fax, email, or any method other than personal service, the period of time for exercising or performing any right or duty to act or respond shall be extended by five calendar days from the date of service if the place of address and the place of mailing of the party being served is within California, by ten calendar days if the place of address is outside California but within the United States, and by twenty calendar days if the place of address is outside the United States.[54] This provision, commonly known as the "mailbox rule," means that most parties have 25 calendar days to file a petition for reconsideration from the date of service by mail within California, and potentially 30 calendar days if one of the parties is served at an out-of-state address.[8][51][54]

When a petition for reconsideration is timely filed, the workers' compensation judge is required to act within 15 days of the filing by performing one of three actions: preparing a report and recommendation on the petition for reconsideration, rescinding the entire order, decision, or award and initiating further proceedings within 30 days, or rescinding the order, decision, or award and issuing an amended order, decision, or award.[48] Significantly, after 15 days have elapsed from the filing of a petition for reconsideration, the workers' compensation judge is prohibited from issuing any order in the case until the Appeals Board has denied or dismissed the petition for reconsideration or issued a decision after reconsideration.[48] This provision prevents the trial court from taking additional action while the petition is pending before the WCAB.

The WCAB's action on a petition for reconsideration is governed by Labor Code Sections 5906 and 5907. Section 5906 provides that the appeals board may, with or without further proceedings and with or without notice, affirm, rescind, alter, or amend the order, decision, or award made and filed by the appeals board or the workers' compensation judge on the basis of the evidence previously submitted in the case, or may grant reconsideration and direct the taking of additional evidence.[12][12] Section 5907 empowers the board such that if at the time of granting reconsideration, it appears to the satisfaction of the appeals board that no sufficient reason exists for taking testimony, the appeals board may affirm, rescind, alter, or amend the order, decision, or award made by the appeals board or the workers' compensation judge and may, without further proceedings, without notice, and without setting a time and place for further hearing, enter its findings, order, decision, or award based upon the record in the case.[12][12]

For parties seeking judicial review beyond the WCAB, Labor Code Section 5950 establishes the procedure for petitioning the Court of Appeal for a writ of review.[15] The statute provides that any person affected by an order, decision, or award of the appeals board may, within the time limit specified in the statute, apply to the Supreme Court or to the court of appeal for the appellate district in which the person resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the original order, decision, or award or of the order, decision, or award following reconsideration.[15] Critically, the application for writ of review must be made within 45 days after a petition for reconsideration is denied, or, if a petition is granted or reconsideration is had on the appeal board's own motion, within 45 days after the filing of the order, decision, or award following reconsideration.[15][46] This 45-day deadline is jurisdictional and is not subject to extension for service by mail.[15][46]

The scope of appellate review is limited by Labor Code Section 5952, which restricts the grounds for review to the following: (1) that the appeals board acted without or in excess of its powers; (2) that the order, decision, or award was procured by fraud; (3) that the order, decision, or award was unreasonable; (4) that the order, decision, or award was not supported by substantial evidence; and (5) if findings of fact are made, that such findings of fact do not support the order, decision, or award under review.[12][12][12] The scope of appellate review does not include retrying the case or reweighing evidence; instead, appellate courts apply the substantial evidence standard, which provides that where an appellate court is reviewing factual findings made by the appeals board, the court's power begins and ends with determining whether there is any substantial evidence-contradicted or uncontradicted-to support the trial court findings.[57]

California Code of Regulations Title 8 Section 10945 establishes detailed requirements for the content of petitions for reconsideration. Every petition for reconsideration must fairly state all of the material evidence relative to the points at issue, with each contention stated and clearly set forth.[7][7] A failure to fairly state all of the material evidence may be a basis for denying the petition.[7][7] The petition and any answer must support evidentiary statements by specific references to the record, including references to minutes of hearing, summaries of evidence, hearing transcripts, documentary evidence, and deposition transcripts, with specific page numbers and line numbers cited.[7][7] Documents that have already been received in evidence or made part of the adjudication file shall not be attached or filed as exhibits to the petition unless newly discovered evidence is the ground for reconsideration.[7][7]

California Code of Regulations Title 8 Section 10940 establishes filing and service requirements for petitions for reconsideration. Petitions for reconsideration must be filed in the Electronic Adjudication Management System (EAMS) or with the district office having venue, unless otherwise specified for carve-out cases or audit penalty appeals.[62] No duplicate copies shall be filed with any district office or with the Appeals Board.[62] Every petition and answer shall be verified upon oath in the manner required for verified pleadings in courts of record, with verification and proof of service attached to each petition and answer.[62] Failure to file a proof of service constitutes valid ground for dismissing the petition.[62] A petition shall not exceed 25 pages and an answer shall not exceed 10 pages unless allowed by the Appeals Board; any verification, proof of service, exhibit, document cover sheet, or document separator sheet shall not be counted in determining the page limitation.[62]

The distinction between petitions for reconsideration (appropriate for final orders) and petitions for removal (appropriate for interlocutory or non-final orders) is crucial for proper procedural compliance. California Code of Regulations Title 8 Section 10955 establishes the procedures for petitions for removal, which may be filed at any time within 20 days after service of an order or decision, or of the occurrence of the action in issue, based on one or more of the following grounds: (1) the order, decision, or action will result in significant prejudice, or (2) the order, decision, or action will result in irreparable harm, with the petitioner also demonstrating that reconsideration will not be an adequate remedy after the issuance of a final order, decision, or award.[50] Filing a petition for removal does not terminate the workers' compensation judge's authority to proceed in a case or require the workers' compensation judge to continue or cancel a previously scheduled hearing absent direction from the Appeals Board.[50]

In a significant 2024 en banc decision, the WCAB held that parties filing alternative petitions for reconsideration when removal is the clearly appropriate remedy engage in sanctionable conduct.[61] The WCAB explained that when a petition is titled as a petition for reconsideration, even in the alternative, the Appeals Board must process it as a petition for reconsideration, which halts proceedings at the trial level.[61] The WCAB recognized that a party may file alternative petitions for reconsideration only where good cause

exists to believe that a final decision, order, or award has issued, and that filing an alternative petition for reconsideration when it is not warranted is sanctionable.[61] The WCAB imposed sanctions up to \$20,000 against an applicant's attorney for filing multiple alternative petitions for reconsideration when petitions for removal were clearly appropriate, noting that the firm had been given notice that reconsideration was not appropriate following orders denying continuances.[61]

Current Legal Landscape: Critical Developments (2024-2026)

The legal landscape governing workers' compensation appeals has undergone significant transformation in the period from 2024 through early 2026, driven by appellate decisions addressing the reach of the WCAB's jurisdiction, amendments to statutory deadlines, and emerging regulatory changes affecting utilization review and medical treatment authorization. Understanding these developments is essential for practitioners evaluating appeal strategies.

The most consequential development is the sequence of appellate decisions establishing mandatory compliance with the 60-day deadline under Labor Code Section 5909. The 2nd District Court of Appeal's December 18, 2023 decision in *Zurich American Insurance Co. v. WCAB* marked a fundamental shift in how courts interpret the WCAB's jurisdiction over reconsideration petitions.[4][4][40] In that case, the California Insurance Guarantee Association (CIGA) filed a petition for reconsideration more than nine months after filing, alleging that the WCAB had not received the petition due to an "administrative irregularity." [4][4][40] The WCAB justified its late decision on equitable tolling principles derived from the decades-old precedent in *Shipley v. WCAB* (1992), which had permitted the WCAB to grant reconsideration even when the 60-day deadline had passed if administrative errors were the cause.[4][4][38][40] The 2nd District Court of Appeal disagreed, holding that Labor Code Section 5909's language shows a clear legislative intent to terminate the WCAB's jurisdiction to consider a petition for reconsideration after 60 days have passed, and that decisions made after the deadline are void as in excess of jurisdiction.[4][4][40] The court's reasoning emphasized that statutory provisions stating that petitions or other requests to an agency are deemed denied by a specified date limit an agency's jurisdiction, and that decisions made after such deadlines are void.[4][4]

The *Zurich* decision also addressed equitable tolling doctrine. The court explained that while equitable tolling might apply in limited circumstances, any exception must be limited to situations where (1) the petitioner acted diligently to protect their rights, and (2) the WCAB misled the petitioner in a manner that deprived the party of the right to review by the WCAB or appellate courts.[4][4][40] Under this narrow formulation, mere administrative errors outside the petitioner's control do not justify tolling of the deadline; instead, the WCAB itself must have actively misled a diligent petitioner about the deadline or the status of the petition.[4][4]

Following *Zurich*, the 1st District Court of Appeal's 2024 decision in *Mayor v. WCAB* confirmed and extended *Zurich*'s holding.[16][16][35] In *Mayor*, a workers' compensation judge issued an award in favor of the applicant on March 2, 2023, and the defendant filed a petition for reconsideration on March 23, 2023.[16][16][35] The WCAB did not act within the 60-day period; instead, on August 14, 2023, 144 days after the petition was filed, the WCAB issued an order granting reconsideration, stating that it had first received notice of the petition on June 15, 2023.[16][16][35] The applicant then sought a writ of mandate, arguing that the WCAB had exceeded its jurisdiction by granting reconsideration after the 60-day deadline.[16][16][35] The 1st District Court of Appeal agreed, explaining that *Zurich*'s interpretation was correct and that the WCAB had lost jurisdiction after the 60-day period expired.[16][16][35] The court rescinded the WCAB's orders granting reconsideration and its subsequent decisions after reconsideration, concluding that the original March 2, 2023 award was final.[16][16][35]

Critically, the *Mayor* court noted that Assembly Bill 171, enacted approximately six months after *Zurich*, essentially ratified *Zurich*'s interpretation of the governing statutes.[16][16][38] The court explained that the Legislature did not attempt to clarify that former Labor Code Section 5909 was not mandatory or that *Zurich* had misconstrued the statute's intent; instead, the Legislature changed the trigger for the 60-day deadline to run from the WCJ's transmission of the case to the WCAB rather than from the date the petition was filed.[16][16][38] This change demonstrated legislative acquiescence to *Zurich*'s interpretation that the 60-day deadline was mandatory and jurisdictional.[16][16][38] The court further explained that Assembly Bill 171 addressed the WCAB's concerns about the consequences of *Zurich*'s interpretation for future cases by making the amendment temporary until July 1, 2026, thereby giving the Board the additional time to act on petitions it needs to resolve normal human errors or administrative irregularities.[16][16][38]

On February 11, 2026, the 6th District Court of Appeal published its decision in *Zenith Insurance Co. v. WCAB (Chan)*, holding that the WCAB cannot grant petitions for reconsideration long after the 60-day statutory deadline without demonstrating a factual basis for equitable tolling.[4][4] The Zenith decision involved a petition for reconsideration filed in November 2022, which the WCAB did not receive notice of until January 17, 2023.[4][4] On March 3, 2023, the board granted the petition for purposes of further study, and on November 1, 2024, the WCAB issued an opinion and decision after reconsideration, reversing the workers' compensation judge's findings.[4][4] The court held that equitable tolling requires three elements: timely notice, lack of prejudice to the opposing party, and reasonable and good faith conduct.[4][4] Even if notice and lack of prejudice are satisfied, the court explained, a mere unexplained delay does not justify tolling the 60-day deadline for reconsideration.[4][4] The court found that the WCAB failed to show that it acted diligently and in keeping with the spirit of the 60-day deadline once it received notice of the petition, and therefore without equitable tolling, the November 2024 order was in excess of the WCAB's jurisdiction and had to be reversed.[4][4]

The WCAB itself has issued significant panel decisions and en banc decisions providing guidance to practitioners on proper pleading and procedural compliance. On November 5, 2024, the WCAB issued a significant panel decision in *Reed v. County of San Bernardino*, clarifying the application of amended Labor Code Section 5909 and the WCAB's requirements for acting timely on petitions for reconsideration.[1][1][1] The decision explained that under the current statute, effective July 2, 2024, the WCAB is required to act on a petition for reconsideration within 60 days of transmission of the case to it, and that the date of transmission is reflected in the "Events" section of the Electronic Adjudication Management System (EAMS).[1][1][1] The WCAB clarified that practitioners can navigate EAMS to determine when a case is transmitted for purposes of the 60-day period, which will allow practitioners to know when to file a petition for writ of review if the WCAB denies the petition or fails to act.[1][1][1]

The *Reed* decision also addressed the WCAB's concern regarding improper filing of petitions for reconsideration. The WCAB explained that a petition for reconsideration may properly be taken only from a "final" order, decision, or award, which is defined as one that either determines any substantive right or liability of those involved in the case or determines a threshold issue fundamental to the claim for benefits.[1][1] Orders regarding trial setting are not final orders, and seeking reconsideration of nonfinal orders is sanctionable.[1][1] The WCAB expressed frustration at the improper filing of petitions for reconsideration, noting that earlier in the year, the WCAB en banc had issued a series of decisions imposing sanctions against an applicant's attorney for filing petitions for reconsideration when petitions for removal were appropriate.[1][1]

In an April 10, 2024 en banc decision in *Ledezma v. Kareem Cart Commissary and Manufacturing*, the WCAB imposed sanctions up to \$20,000 against an applicant's attorney and hearing representative for filing frivolous alternative petitions for reconsideration when petitions for removal were clearly appropriate.[61] The WCAB held that a party may file an alternative petition for reconsideration only where good cause exists to believe that a final decision, order, or award has issued, and that filing an alternative petition for reconsideration when it is not warranted is sanctionable.[61] The WCAB clarified that when a petition is titled as a petition for reconsideration, even in the alternative, the Appeals Board must process it as a petition for reconsideration, which halts proceedings at the trial level and prevents the workers' compensation judge from continuing to proceed in the case.[61] The court emphasized that practitioners must understand the difference between petitions for reconsideration (appropriate for final orders) and petitions for removal (appropriate for interlocutory orders), and that willful failure to make this distinction may result in significant sanctions.[61]

Separate from the reconsideration deadline issues, the WCAB has issued significant guidance on evidentiary standards and medical evidence. In a 2024 decision in *Wies v. State of California*, the WCAB emphasized that medical opinions must be framed in terms of reasonable medical probability, not scientific certainty, and that when a medical opinion relies heavily on statistical studies with stricter thresholds for causation than the legal standard requires, the WCAB may require further development of the record.[21][21] The decision instructed the QME to reassess causation under the appropriate legal standard of reasonable medical probability, using clinical judgment and a holistic review of all evidence, rather than applying the higher certainty standards typical of scientific research.[21][21]

With respect to procedural modernization, on October 29, 2025, the Division of Workers' Compensation posted proposed changes to the Electronic Adjudication Management System (EAMS) Rules to its online

forum for public comment.[34] The proposed updates allow for electronic filing and service of all WCAB case-related documents in EAMS rather than requiring service by mail, and allow for submission of documents with electronic signatures, consistent with Government Code and Secretary of State regulations authorizing digital signatures on communications with public entities.[34] These changes, if approved, would modernize the filing procedures and reduce reliance on paper and mail service, though they are not yet in effect as of the date of this report.

Additionally, the WCAB has issued significant guidance on recent amendments to utilization review (UR) regulations effective April 1, 2026. On December 30, 2025, the California Office of Administrative Law approved the Division of Workers' Compensation's proposed utilization review regulations, which implement exemptions for UR under Senate Bill 1160 (for treatment within the first 30 days of injury) and Assembly Bill 1124 (for exempt drugs on the formulary).[20] These regulations enhance coordination of medical treatment and provide exemptions from prospective review for certain treatment provided within the first 30 days of an injury, subject to compliance with the medical treatment utilization schedule.[17][20][44] For practitioners handling disputes involving medical treatment authorization, understanding these new regulatory requirements is essential, as they may affect the timeliness and availability of independent medical review remedies.[20]

Grounds for Reconsideration and Standards of Review at the WCAB Level

To successfully petition for reconsideration, a party must establish one or more of the five statutory grounds enumerated in Labor Code Section 5903.[25] Each ground operates under distinct legal standards, and understanding how the WCAB applies each ground is essential for developing persuasive arguments.

The first ground-that the appeals board acted without or in excess of its powers-addresses jurisdictional issues and abuse of discretion.[25][10][12] This ground is rarely successful unless the workers' compensation judge lacked jurisdiction over the subject matter or the person of the parties, or the judgment exceeds the judge's power under the Labor Code. Examples might include a workers' compensation judge issuing an order regarding a non-industrial injury or exceeding statutory limits on permanent disability awards. The burden of proof for this ground falls on the petitioner, who must establish clear evidence of jurisdictional defect or abuse of discretion.[25]

The second ground-that the decision was procured by fraud-requires proof of actual fraud, not merely misrepresentation or bad faith.[12][12] The petitioner must establish that the trial judge or the opposing party engaged in deliberate concealment, material misrepresentation, or fraudulent conduct, and that this fraud caused the trial judge to render a decision adverse to the petitioner.[12][12] Allegations of fraud must be supported by specific, detailed evidence of proof, and general assertions of fraud without factual support will not sustain reconsideration.[12][12]

The third ground-that the evidence does not justify the findings of fact-is the most commonly raised ground for reconsideration.[12][12] This ground allows the WCAB to reexamine whether the trial judge's factual findings are supported by substantial evidence in the record. Under the substantial evidence standard, the WCAB must determine whether there is any substantial evidence-contradicted or uncontradicted-to support the trial judge's findings.[57] Substantial evidence is evidence which has probative force on the issues, is more than a mere scintilla, and means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[55] It must be reasonable in nature, credible, and of solid value.[55][59] When challenging findings as unsupported by substantial evidence, the petitioner must fairly state all of the material evidence relative to the point or points at issue, set forth specific references to the record with page numbers and line numbers, and clearly explain how the evidence does not support the finding.[7][7]

The fourth ground-that the petitioner has discovered new evidence material to the petitioner that could not, with reasonable diligence, have been discovered and produced at the hearing-allows introduction of evidence not presented at trial if the evidence is truly new and the petitioner could not have discovered it with reasonable diligence.[25][10][12] This ground has a high threshold; the petitioner must demonstrate that the evidence existed at the time of trial, that it is material and significant enough to affect the outcome, and that despite reasonable investigation, the petitioner could not have discovered or produced the evidence at the hearing.[12][12] Counsel neglect or failure to conduct proper investigation typically does not satisfy the "reasonable diligence" requirement.[12][12]

The fifth ground-that the findings of fact do not support the order, decision, or award-addresses situations where the trial judge's decision logically does not follow from the findings.[12][12] This ground does not

occur frequently but applies when the trial judge's factual findings are internally consistent and supported by evidence, but the legal conclusions drawn from those findings are illogical or unsupported. For example, a trial judge might find all the facts necessary to establish entitlement to permanent disability benefits but then issue an award denying such benefits, thereby rendering a decision that does not flow from the findings of fact.[12][12]

When a petition for reconsideration is filed and the WCAB grants it, the WCAB has broad discretion regarding the action it takes. Under Labor Code Section 5906, the WCAB may, with or without further proceedings and with or without notice, affirm, rescind, alter, or amend the order, decision, or award made by the workers' compensation judge on the basis of the evidence previously submitted in the case, or may grant reconsideration and direct the taking of additional evidence.[12][12] The WCAB frequently grants reconsideration and orders that the case be returned to the trial level for further development of the record, particularly when the record appears incomplete or when the WCAB believes additional medical evidence is necessary to properly resolve the issues.[12][12]

The standard of review applied by the WCAB at the reconsideration stage differs substantially depending on the issue presented. For factual findings, the WCAB applies the substantial evidence standard, meaning the WCAB reviews whether the trial judge's findings are supported by substantial evidence in the record but does not retry the case or reweigh evidence.[57] For legal conclusions, the WCAB applies a de novo standard of review, meaning the WCAB independently determines whether the trial judge applied the law correctly, without deference to the trial judge's legal analysis.[12][12]

A critical distinction exists between findings of fact and legal conclusions. Findings of fact-such as the workers' compensation judge's determination that an injury is industrially caused, or that permanent disability is 25 percent-are reviewed under the substantial evidence standard.[57][59] The WCAB does not reweigh evidence or substitute its judgment for the trial judge's; rather, it determines whether any substantial evidence supports the finding.[57][59] Legal conclusions-such as whether a workers' compensation judge applied the correct permanent disability formula, or whether workers' compensation statutes bar recovery due to assumption of risk-are reviewed de novo, and the WCAB independently determines the correct legal rule and how it should be applied.[12][12]

Credibility determinations present a special category in workers' compensation appeals. Traditionally, the WCAB grants substantial deference to a trial judge's credibility determinations, including the judge's assessment of whether a witness's testimony is truthful, reliable, or persuasive.[12][12] The WCAB recognizes that the trial judge has the advantage of observing the witnesses' demeanor, tone, and manner during testimony, whereas appellate review proceeds solely on the written record.[12][12] However, credibility determinations may be overturned if they are manifestly unreasonable or unsupported by evidence in the record.[12][12]

For medical evidence, the WCAB applies the substantial evidence standard but requires that medical opinions meet specific criteria to constitute substantial evidence. Under Labor Code Section 4660 and related provisions, a medical opinion must be framed in terms of reasonable medical probability (meaning more likely than not), must not be speculative, must be based on pertinent facts and an adequate examination and history, and must set forth reasoning in support of its conclusions.[21][21][55] When a medical opinion fails to meet these criteria-for example, if it is based only on statistical studies without clinical judgment, or if it uses a standard of certainty higher than "reasonable medical probability"-the opinion may not constitute substantial evidence.[21][21]

The WCAB's approach to medical evidence was clarified in the 2024 decision in *Wies v. State of California*, where the WCAB held that medical-legal evaluators must apply the correct legal standard of "reasonable medical probability" rather than adopting the higher standard of scientific certainty used in epidemiological research.[21][21] The WCAB instructed that a QME's opinion must be reassessed if it inappropriately applies scientific certainty standards rather than the lower civil burden of "more likely than not." [21][21] This principle is important for parties challenging medical evidence that relies too heavily on statistical thresholds or fails to consider clinical judgment in holistic assessment of causation or disability.[21][21]

Procedural Requirements for Filing Petitions for Reconsideration and Critical Compliance Issues

Successfully navigating the reconsideration process requires strict compliance with multiple procedural requirements, each of which is jurisdictional and subject to no waiver or equitable excuse beyond the narrow

equitable tolling doctrine established in *Zurich and Zenith Insurance*.^{[4][4][16]} Failure to comply with any requirement may result in dismissal of the petition, loss of appeal rights, and making the trial court decision final and unappealable.

The first critical requirement is timely filing. Labor Code Section 5903 requires that a petition for reconsideration be filed within 20 days after the service of any final order, decision, or award made and filed by the appeals board or a workers' compensation judge.^{[8][25][46]} However, California Code of Regulations Section 10605 extends the time for response when service is by mail, fax, email, or any method other than personal service.^[54] Specifically, the period is extended by five calendar days if the place of address and place of mailing are within California, by ten calendar days if outside California but within the United States, and by twenty calendar days if outside the United States.^[54] For most practitioners serving parties with California addresses, the effective deadline is 25 calendar days (20 days plus 5 days for mail service extension).^{[8][51][54]} For cases where one party is served at an out-of-state address, the WCAB has held that the extension applies to all parties, meaning all parties have 30 days (20 days plus 10 days for out-of-state service) to file the petition.^{[8][51]}

The clock for the 20-day (or extended) period runs from the date the decision was served, not from the date the petitioner received or read the decision.^[8] Service is deemed to occur on the date shown on the proof of service, or, if mailed, on the date the document is placed in the mail or with a commercial carrier.^[8] Practitioners must calendar the deadline carefully, accounting for weekends and holidays, which do not extend the deadline but rather move the deadline to the next business day if it falls on a weekend or holiday.^[8]

The second critical requirement is that the petition establish one or more valid statutory grounds for reconsideration.^{[25][10]} A petition that fails to identify valid grounds, or that merely expresses disagreement with the trial judge's decision without citing applicable legal grounds, will likely be dismissed.^{[25][10]} The petitioner must clearly state which ground or grounds the petition is based on, and must set forth specific facts and legal arguments supporting each ground.^{[7][7]}

The third critical requirement is content and specificity. California Code of Regulations Section 10945 requires that every petition for reconsideration fairly state all of the material evidence relative to the points at issue, with each contention separately stated and clearly set forth.^{[7][7]} A failure to fairly state all of the material evidence may be a basis for denying the petition.^{[7][7]} The petition must support its evidentiary statements by specific references to the record, including page and line numbers from hearing transcripts, minutes of hearing, summaries of evidence, exhibits with their exhibit numbers and dates, and deposition transcripts with the name of the deponent and page and line numbers.^{[7][7]} Documents that have already been received in evidence or made part of the adjudication file shall not be attached as exhibits unless newly discovered evidence is the ground for reconsideration.^{[7][7]}

The fourth critical requirement is verification. California Code of Regulations Section 10940 requires that every petition and answer be verified upon oath in the manner required for verified pleadings in courts of record.^[62] The verification must be executed by the petitioner or, if the petitioner is not available, by the petitioner's attorney or a representative who has personal knowledge of the facts.^[62] An unverified petition may be subject to dismissal.^[62]

The fifth critical requirement is proof of service. California Code of Regulations Section 10940 requires that a verification and proof of service be attached to each petition.^[62] The proof of service must show that the petitioner has served a copy of the petition on all adverse parties and, if applicable, on the Secretary of the WCAB in San Francisco.^[62] For petitions filed to challenge a WCAB decision on reconsideration, service on the Appeals Board by email at WCABWritUnit@dir.ca.gov is preferred, although service by mail at the Appeals Board's address (455 Golden Gate Avenue, 9th Floor, San Francisco CA 94102) is permitted.^{[18][18]}

The sixth critical requirement is proper filing. Petitions for reconsideration must be filed in the Electronic Adjudication Management System (EAMS) or with the district office having venue unless the case is a carve-out case or involves an audit penalty appeal under Labor Code Section 129.5(g), in which case the petition must be filed only with the Appeals Board.^{[18][18][62]} Petitions filed in EAMS must comply with all relevant rules governing e-filing, including technical requirements for file format, document type identification, and submission procedures.^[62] No duplicate copies shall be filed with any district office or with the Appeals Board.^[62]

The seventh critical requirement is page limitations. A petition for reconsideration shall not exceed 25 pages, and an answer shall not exceed 10 pages, unless the Appeals Board allows otherwise.[62] Any verification, proof of service, exhibit, document cover sheet, or document separator sheet shall not be counted in determining the page limitation.[62] The Appeals Board may allow the filing of a petition exceeding the page limitation upon a showing of good cause by a separate petition, made under penalty of perjury, that specifically sets forth reasons why the request should be granted.[62]

When responding to a petition for reconsideration, an adverse party has 10 days to file an answer.[46][62] The answer must be served on the petitioner and all other adverse parties according to service rules, and cannot include supplemental responsive pleadings unless the WCAB specifically requests or approves them.[46][62]

A critical procedural issue that has generated significant WCAB enforcement action is the improper filing of alternative petitions for reconsideration. As discussed above, the WCAB has made clear that a party filing a petition titled as a "petition for reconsideration," even in the alternative (e.g., "Petition for Reconsideration and/or Alternative Petition for Removal"), will have that petition processed as a petition for reconsideration, which halts all trial-level proceedings and prevents the workers' compensation judge from continuing.[61] Parties should file alternative petitions only where there is genuine confusion about whether the order is final or interlocutory, and parties should explain in the petition why they believe reconsideration is appropriate.[61] Filing frivolous or bad-faith alternative petitions when removal is clearly appropriate exposes parties to sanctions up to \$20,000 per frivolous filing.[61]

Strategic Analysis: Evaluating Appeal Options and Probability of Success

Practitioners evaluating whether to file a petition for reconsideration, and what arguments to advance, must conduct a strategic analysis weighing the strength of available arguments against the risks of appeal and the likelihood of obtaining favorable outcomes at successive appeal stages. This analysis should account for the nature of the dispute, the evidentiary record, the applicable legal standards, and the specific grounds available under Labor Code Section 5903.

For disputes involving factual findings-such as whether an injury is industrially caused, whether an injury is temporary or permanent in nature, or whether permanent disability is properly rated-the analysis begins with assessing whether the trial judge's findings are supported by "substantial evidence" in the record.[57][59] Substantial evidence is evidence that has probative force, is more than a scintilla, and is reasonable in nature, credible, and of solid value.[57][59] To challenge findings as unsupported by substantial evidence, the petitioner must identify evidence in the record that contradicts the trial judge's finding, and must demonstrate that a reasonable trier of fact could not have credited the trial judge's evidence over the contradicting evidence.[57][59] If the evidence is truly contradicted and the trial judge's finding rests on uncontradicted evidence of lesser quality or reliability, the argument for reversal on substantial evidence grounds has moderate to high strength.[57][59]

However, if the evidence is truly conflicting-with credible evidence supporting both the trial judge's finding and the petitioner's position-the WCAB will likely affirm the trial judge's finding, as the WCAB does not reweigh evidence or substitute its judgment for the trial judge's judgment regarding which witness to believe or which evidence to credit.[57][59] In such situations, the petitioner's substantial evidence argument is weak, with low to medium probability of success. The petitioner's only recourse may be to present new evidence under the "newly discovered evidence" ground, or to identify legal error in how the trial judge applied the law to the facts found.

For disputes involving legal conclusions-such as whether the workers' compensation judge applied the correct statutory formula for calculating permanent disability, or whether the judge correctly interpreted a statute or WCAB precedent-the standard of review is more favorable to the appellant. The WCAB applies de novo review to legal conclusions, meaning the WCAB makes its own determination of what the law requires without deferring to the trial judge's legal analysis.[12][12] If the trial judge misapplied a statute, misinterpreted controlling WCAB precedent, or reached a legal conclusion that does not follow from the facts found, the petitioner's argument has stronger prospects, with medium to high probability of success depending on the clarity of the legal error.[12][12]

For disputes involving medical evidence, the analysis depends on whether the medical opinion meets the criteria for constituting "substantial evidence." If a medical opinion is framed in appropriate terms of "reasonable medical probability," is based on pertinent facts and an adequate examination, and sets forth

reasoning supporting its conclusions, the opinion will likely constitute substantial evidence supporting the trial judge's finding.[21][21][55] If, however, the medical opinion is speculative, is framed in terms of scientific certainty rather than reasonable medical probability, or fails to address relevant facts or explain its reasoning, the opinion may not constitute substantial evidence, and the trial judge's finding based on that opinion may be vulnerable to reversal on substantial evidence grounds.[21][21][55]

The 2024 decision in *Wies v. State of California* provides important guidance for practitioners challenging medical opinions that inappropriately apply scientific standards rather than the civil burden of reasonable medical probability.[21][21] If the only medical evidence supporting the trial judge's finding relies on statistical studies with confidence thresholds exceeding 50 percent or applies epidemiological certainty standards, the petitioner may successfully argue that the opinion does not meet the legal standard of reasonable medical probability and therefore does not constitute substantial evidence.[21][21] The petitioner should brief this argument clearly, distinguishing between the scientific certainty standard used in research and the lower civil burden applicable in workers' compensation cases.[21][21]

For disputes involving newly discovered evidence, the analysis requires careful evaluation of whether the evidence is truly "new"-that is, whether it did not exist at the time of trial or whether the petitioner reasonably could not have discovered it with diligence.[25][10][12] If the evidence is genuinely new and material enough to affect the outcome, and the petitioner can establish that reasonable investigation would not have uncovered it, this ground has medium to high probability of success.[25][10][12] However, if the evidence existed at the time of trial or could have been discovered with reasonable investigation, or if the evidence is merely cumulative of evidence already presented at trial, the ground is weak and unlikely to succeed.[25][10][12]

Practitioners must also evaluate the strength of arguments against the petitioner's position. What is the strongest argument the opposing party can advance? For disputes about factual findings, the opposing party will argue that the trial judge's finding is supported by substantial evidence, and will cite evidence in the record supporting that finding.[57][59] For disputes about legal conclusions, the opposing party will argue that the trial judge correctly interpreted and applied applicable law.[12][12] For disputes about medical evidence, the opposing party will argue that the medical opinion meets the legal standard of reasonable medical probability, is based on adequate examination and history, and provides reasoning supporting its conclusions.[21][21][55] Practitioners should thoughtfully address these opposing arguments in the petition, rather than ignoring them or hoping the WCAB will not consider them.

The timing and context of the appeal also affect probability of success. If the case has been pending for several years and new factual issues have emerged, the WCAB may be more receptive to granting reconsideration to develop the record further.[12][12] If the case presents a novel issue of law not clearly addressed by prior precedent, the WCAB may grant reconsideration to establish clear guidance for the workers' compensation community.[12][12] Conversely, if the case involves straightforward application of settled law to clear facts, and the trial judge's decision follows logically from the findings, the WCAB may be less inclined to disturb the judgment.[12][12]

Practitioners should also evaluate the procedural posture and available remedies. If a petition for reconsideration is denied, the only remaining appellate remedy is a petition for writ of review to the Court of Appeal, which operates under a highly deferential standard and has a very low probability of success (approximately 10-25 percent for typical disputes).[6][46] This means that practitioners must carefully evaluate whether their strongest arguments can succeed at the WCAB level, because they may not survive further appeal to the Court of Appeal.[6][46] If the primary argument is factually weak at the WCAB level, filing a petition for reconsideration may be strategically unwise, as it may create an adverse precedent at the WCAB level that the Court of Appeal will give substantial deference to in a later writ of review petition.[6][46]

Practical Implementation: Step-by-Step Roadmap for Filing and Managing Reconsideration Appeals

Successfully navigating the reconsideration process requires a detailed procedural roadmap addressing multiple steps, each with specific timing requirements and documentation needs. The following guidance provides a systematic approach to managing reconsideration appeals from the initial decision through potential further appeal to the Court of Appeal.

Step 1: Receipt and Review of WCJ Decision (Upon Service)

Upon receipt of the workers' compensation judge's decision, practitioners should immediately take the following actions: (1) calendar the 20-day deadline for filing a petition for reconsideration, accounting for mail service extensions under California Code of Regulations Section 10605; (2) review the decision carefully to identify the judge's findings of fact, conclusions of law, and awards; (3) compare the findings with the evidence presented at trial to identify potential arguments for reconsideration; (4) review the judge's opinion on decision to understand the judge's reasoning and the evidence the judge relied upon; (5) consult with the client or insured to discuss whether to pursue reconsideration and what the client's priorities are (obtaining different outcome, preserving issues for appeal, establishing appellate record); (6) research applicable law to identify controlling WCAB precedent and recent cases that may support reconsideration arguments; and (7) communicate with opposing counsel regarding the decision and any indication of whether reconsideration will be pursued.

Step 2: Strategic Evaluation and Decision to Appeal (Days 1-7)

By approximately day seven after service, practitioners should have completed a strategic evaluation and should have communicated with the client regarding the decision whether to file a petition for reconsideration. This evaluation should address the following: (1) What are the valid grounds for reconsideration under Labor Code Section 5903? (2) For each potential ground, what is the strength of the argument and the probability of success at the WCAB level? (3) What is the cost of pursuing reconsideration (legal fees, filing fees, costs of developing evidence)? (4) What is the value of the case and the potential recovery at reconsideration versus the cost and risk? (5) Are there alternative strategies, such as proceeding to settlement negotiations or pursuing a different legal theory? (6) If reconsideration is unsuccessful, what is the likelihood of success on a writ of review to the Court of Appeal, and is it worth preserving arguments for federal review?

Step 3: Development of the Reconsideration Record (Days 7-14)

Once the decision to file for reconsideration is made, practitioners should begin developing the record that will support the petition. This includes: (1) ordering a transcript of the workers' compensation judge's hearing (if not already obtained); (2) organizing all exhibits entered into evidence and identifying them by exhibit number and date; (3) identifying and preserving any new evidence that may support a "newly discovered evidence" ground; (4) consulting with medical experts or other professionals regarding medical evidence, disability ratings, causation, or other technical issues; (5) researching recent WCAB and appellate cases addressing similar issues; (6) preparing a detailed outline of the petition's arguments, organized by ground for reconsideration; and (7) drafting a preliminary version of the petition for internal review.

Step 4: Drafting the Petition for Reconsideration (Days 14-18)

The petition for reconsideration must be carefully drafted to comply with all procedural requirements while advancing the strongest possible arguments for reversal. The petition should follow this structure: (1) caption identifying the case name, number, and parties; (2) statement of the ground or grounds for reconsideration, with clear heading for each ground; (3) for each ground, a clear statement of facts, with specific references to hearing transcripts (including date, time, and page and line numbers), exhibits (including exhibit number, author, date, and page numbers), and the workers' compensation judge's findings and opinion on decision; (4) discussion of applicable law, with citations to Labor Code sections, California Code of Regulations, and controlling WCAB and appellate precedent; (5) explanation of how the facts and law support the petition's arguments; (6) prayer for relief requesting that reconsideration be granted; and (7) verification and proof of service.

The petition should be no more than 25 pages (excluding verification, proof of service, and exhibits).[62] Practitioners should prioritize the strongest arguments and present them first, eliminating weak arguments that may undermine the overall presentation.[62] The petition should fairly present the evidence supporting both the trial judge's findings and the petitioner's position, rather than selectively citing only favorable evidence.[7][7] Petitions that misrepresent evidence or fail to address contradictory evidence risk sanctions for fraud or violation of duties to the tribunal.[63]

Step 5: Verification and Proof of Service (Day 18-19)

The petition must be verified and must include proof of service. The verification should be executed by the petitioner (if an individual worker or small business owner) or by the petitioner's attorney or representative who has personal knowledge of the facts asserted in the petition.[62] The verification should be sworn under

penalty of perjury and should state substantially: "I declare under penalty of perjury that I have read the foregoing petition for reconsideration and know the contents thereof, and that the same is true of my own knowledge." [62]

The proof of service must identify all parties served, the addresses where service was made, the date of service, and the method of service (email, mail, personal service, fax, or other agreed method). [62] The proof of service should be signed under penalty of perjury and should comply with California Code of Civil Procedure Section 1013 if applicable. [62] Service must be made on all adverse parties and, if the decision being challenged is a WCAB decision on reconsideration, service must also be made on the Secretary of the WCAB at the Appeals Board's San Francisco address or by email at WCABWritUnit@dir.ca.gov. [18][18][62]

Step 6: Filing the Petition (Days 19-20)

The petition must be filed by the 20-day deadline (or extended deadline if applicable) to be timely. [8][25][46] Filing may be accomplished through: (1) e-filing in EAMS if the filer has registered as an e-filer; (2) submitting the petition in person at the district office having venue; (3) mailing the petition to the district office having venue with proper proof of mailing; or (4) submitting the petition by email directly to the district office if permitted under DWC emergency procedures (though this method should be used only if e-filing or mail are unavailable). [18][18][60][62]

Practitioners should verify receipt of the petition by checking EAMS to confirm the filing was accepted, or by requesting an acknowledgment of receipt if filing by mail or in person. [18][18] The practitioner should also create a calendar reminder for ten days after filing to prepare for potential sanctions briefing if the opposing party challenges the petition, or for the date when the workers' compensation judge is required to issue a report and recommendation (15 days after filing). [48]

Step 7: Answer and Reply (Days 11-40)

Within ten days of service of the petition for reconsideration, an adverse party may file an answer responding to the petition's arguments. [46][62] The answer should address each argument in the petition, presenting the opposing party's position and citing supporting evidence. [46][62] The answer is limited to 10 pages unless the WCAB allows otherwise. [62] If an answer is filed, the petitioner may file a reply within 15 days of the answer, but only if the WCAB has requested or approved the reply (replies are not permitted as of right). [3][46]

Step 8: Workers' Compensation Judge's Report and Recommendation (Day 15-25)

Within 15 days of the filing of the petition for reconsideration, the workers' compensation judge must take one of three actions: prepare a report and recommendation on the petition for reconsideration, rescind the entire order and initiate further proceedings, or rescind the order and issue an amended order (in which case the time for filing a petition for reconsideration runs anew from the amended order). [48] The report and recommendation should address each ground raised in the petition and explain why the judge's original decision was correct or why reconsideration is warranted. [48] The report becomes part of the WCAB's record and is considered by the WCAB in determining whether to grant reconsideration. [48]

Step 9: WCAB Action on the Petition (Days 26-85)

The WCAB must act on the petition for reconsideration within 60 days of the transmission of the case to the WCAB. [1][16][1] The date of transmission is reflected in the EAMS "Events" log; practitioners can navigate EAMS to determine this date and calculate when the 60-day period expires. [1][1] If the WCAB acts within 60 days, it will issue an order either granting or denying the petition. If it grants the petition, the WCAB may affirm the original decision, rescind and alter the decision, or return the case to the trial level for further development of the record. [12][12] If the WCAB denies the petition, the original trial court decision becomes final. [1]

If the WCAB does not act within 60 days, the petition is deemed denied by operation of law as of the 60th day, and the original trial court decision becomes final. [1][4][4][16] Practitioners should monitor EAMS carefully to track the WCAB's action (or lack thereof) and should calendar the date when the petition is deemed denied if the WCAB does not act timely. [1][1]

Step 10: Petition for Writ of Review (If Reconsideration Unsuccessful)

If the WCAB denies reconsideration or issues an unfavorable decision after reconsideration, the petitioner has 45 days to file a petition for writ of review with the appropriate Court of Appeal.[15][46] This deadline runs from the date the WCAB denies the petition or from the date the WCAB issues its decision after reconsideration, not from the date the petitioner receives the decision.[15][46] The 45-day deadline is jurisdictional and is not subject to extension for service by mail or other circumstances.[15][46]

The petition for writ of review must comply with the Court of Appeal's Rules of Court (California Rules of Court, Rules 8.490-8.495) and must be filed in the appellate district where the petitioner resides.[15][46] The petition should identify the limited grounds for review under Labor Code Section 5952: that the WCAB acted without or in excess of its powers, that the decision was procured by fraud, that the decision was unreasonable, that the decision was not supported by substantial evidence, or that findings of fact do not support the decision.[15][12][46] The probability of success on writ of review is low (approximately 10-25 percent for typical cases) because appellate courts apply a highly deferential standard and do not reweigh evidence.[6][46]

Recent Significant WCAB Decisions and Emerging Trends (2024-2026)

Beyond the foundational cases addressing jurisdiction and deadlines, the WCAB has issued several significant panel decisions providing guidance on substantive issues that arise in reconsideration appeals. These decisions address evidentiary standards, medical evidence, procedure, and due process considerations.

In November 2024, the WCAB issued a significant panel decision in *Scheuing*, addressing the burden of proof on apportionment in reconsideration proceedings.[31] The WCAB held that when a workers' compensation judge finds that the evidence does not support any determination of apportionment and denies apportionment, a defendant seeking to challenge that finding on reconsideration must carry its burden of proof by presenting substantial medical evidence of a legal basis for apportionment.[31] The decision clarified that a defendant cannot simply challenge a trial judge's negative apportionment finding by referencing medical opinions that the trial judge has already considered and rejected as failing to constitute substantial evidence; instead, the defendant must present genuinely new evidence or legal argument demonstrating why the trial judge's rejection of apportionment was erroneous.[31]

In 2025, the WCAB issued an en banc decision in *Perez v. Chicago Dogs*, addressing due process and witness testimony.[29] The decision held that as a matter of due process, when a witness is unable to appear in person at a workers' compensation hearing, a request to testify electronically should be readily permitted if the request is made on the record with opportunity for any party to respond.[29] This decision addresses a significant procedural issue affecting many cases where witnesses are geographically dispersed or unable to travel.[29]

In 2025, the WCAB issued another en banc decision in *Vazquez v. Renteria*, establishing that only the Appeals Board has jurisdiction to determine whether a replacement QME panel is valid or otherwise appropriate.[29] This decision restricts the authority of workers' compensation judges to make determinations about QME panel validity and requires that such determinations be reviewed by the WCAB.[29]

The WCAB has also issued significant guidance through panel decisions on the standard of proof in causation disputes. In *Wies v. State of California* (2024), the WCAB emphasized that causation must be established by "reasonable medical probability" (meaning "more likely than not"), not scientific certainty.[21][21] Medical opinions that rely exclusively on epidemiological studies with higher certainty thresholds may not constitute substantial evidence under California workers' compensation law.[21][21] This decision is important for practitioners challenging medical opinions in cumulative trauma or occupational disease cases where the medical evidence is based on statistical associations rather than clinical assessment.[21][21]

In October 2025, the WCAB issued a significant panel decision in *Ramos v. Aqua Construction* regarding QME strike procedures.[24] The WCAB held that the striking of a QME from a panel is not a formal service of a document but rather the exercise of a right, and that timely notification by email is sufficient to exercise the strike right.[24] This decision modernizes QME procedures and eliminates procedural gamesmanship over the method of communication used to strike a QME.[24]

These recent decisions reflect the WCAB's effort to clarify procedures, modernize practice, establish consistent evidentiary standards, and address emerging issues in workers' compensation practice. Practitioners

should review these decisions carefully to ensure compliance with current WCAB expectations and to understand how the WCAB is likely to approach issues in their cases.

Court of Appeal Review and Appellate Procedure Following WCAB Decision

If the WCAB denies reconsideration or issues an unfavorable decision after reconsideration, the only further appellate remedy available is a petition for writ of review (commonly referred to as a "writ of mandate" or habeas corpus petition, though technically distinct) filed with the appropriate Court of Appeal.^{[15][46]} Understanding the appellate procedure and the standard of review at the Court of Appeal level is essential for evaluating whether further appeal is warranted.

Labor Code Section 5950 governs the writ of review procedure. Any person affected by an order, decision, or award of the appeals board may apply to the Supreme Court or to the court of appeal for the appellate district in which the person resides for a writ of review.^[15] The application must be made within 45 days after a petition for reconsideration is denied, or, if a petition is granted or reconsideration is had on the appeals board's own motion, within 45 days after the filing of the order, decision, or award following reconsideration.^{[15][46]} This 45-day deadline is jurisdictional and non-extendable; failure to file within the deadline results in complete loss of appellate rights.^{[15][46]}

California Courts of Appeal Rule 8.720 specifies the content requirements for a petition to review a WCAB decision.^{[3][3][3]} The petition must include: (1) the order, award, or decision to be reviewed; and (2) the workers' compensation judge's minutes of hearing, summary of evidence, findings and opinion on decision, and report and recommendation on the petition for reconsideration.^{[3][3][3]} If the petition claims that the board's ruling is not supported by substantial evidence, it must fairly state and attach copies of all the relevant material evidence.^{[3][3][3]} The petition must be verified and must be accompanied by proof of service of a copy of the petition on the Secretary of the WCAB in San Francisco (or two copies if the petition is served in paper form) and one copy on each party who appeared in the action and whose interest is adverse to the petitioner.^{[3][3][3]}

The grounds for appellate review are limited by Labor Code Section 5952. The court may grant relief only on the following grounds: (1) that the appeals board acted without or in excess of its powers; (2) that the order, decision, or award was procured by fraud; (3) that the order, decision, or award was unreasonable; (4) that the order, decision, or award was not supported by substantial evidence; or (5) if findings of fact are made, that such findings of fact do not support the order, decision, or award under review.^{[12][12][12]} The scope of appellate review is narrow; the court does not retry the case, reweigh evidence, or substitute its judgment for the WCAB's judgment on questions of fact.^{[6][46]}

The standard of review applied by the Court of Appeal is highly deferential to the WCAB. For factual findings, the court applies the substantial evidence standard, reviewing only whether there is any substantial evidence-contradicted or uncontradicted-to support the WCAB's findings.^{[6][57]} If there is any substantial evidence supporting the finding, the court must affirm, even if contrary evidence exists.^{[6][57]} For legal conclusions, the court applies a standard of reasonableness, reviewing whether the WCAB's interpretation and application of the law is reasonable.^[6] The court does not engage in de novo review of legal issues as it would in an ordinary civil case; instead, it gives deference to the WCAB's legal analysis, particularly where the WCAB is interpreting its own precedent or applying established workers' compensation principles.^[6]

The probability of success on writ of review is low. Appellate courts rarely grant petitions for writ of review in workers' compensation cases, with published decisions indicating success rates of approximately 10-25 percent for typical cases.^[6] Writs are more likely to be granted in cases presenting novel issues of law, clear conflicts with established WCAB precedent, due process violations, or where the WCAB's decision is manifestly unreasonable.^[6] Cases presenting standard factual disputes or disagreements over evidence are unlikely to succeed on writ review.^[6]

However, a writ of review may still be strategically important even if the probability of immediate success is low, because granting a writ allows the Court of Appeal to address and potentially clarify important legal issues, and provides a preserved record for any potential future appellate or Supreme Court review. Additionally, in rare cases, petitions for writ of review may lead to remand of the case to the WCAB for further development of the record if the appellate court identifies a due process problem or legal error affecting the WCAB's decision.^[6]

Alternative Remedies and Preservation of Issues for Appeal

Beyond the standard reconsideration and writ of review procedures, practitioners should be aware of alternative remedies and strategies for preserving issues for appeal. These include petitions for removal from nonfinal orders, preservation of evidence for appellate record, and in rare cases, federal habeas corpus or civil rights actions.

A petition for removal, governed by California Code of Regulations Title 8 Section 10955, may be filed when an interlocutory order (an order that does not finally decide the case) is issued and the party believes that significant prejudice or irreparable harm will result if removal is not granted, and that reconsideration will not be an adequate remedy after issuance of a final order.[50] Petitions for removal must be filed within 20 days of the order or decision and must demonstrate that the order presents a serious legal issue that cannot be adequately addressed after a final decision.[50] Unlike petitions for reconsideration, a petition for removal does not halt the workers' compensation judge's authority to proceed with the case unless the WCAB directs otherwise.[50]

For preservation of evidence and record-building purposes, practitioners should ensure that the trial court record is complete and that all evidence supporting the appeal arguments is clearly identified in the record. When the WCAB grants reconsideration and returns the case to the trial level, practitioners should use the opportunity to develop the record further by presenting additional evidence, securing detailed findings from medical experts, and establishing a clear factual foundation for appeal arguments. A well-developed record makes appellate argument stronger and may increase the probability of success at the WCAB level.[12][12]

In extremely rare cases where the WCAB or trial court has denied fundamental due process rights or has acted in manifest violation of law, practitioners may consider seeking relief through federal habeas corpus (28 U.S.C. Section 2254) or 42 U.S.C. Section 1983 civil rights actions in federal court. However, the standards for obtaining such relief are extremely high, and such actions should only be pursued after consultation with counsel experienced in federal civil rights litigation.[12][12]

Conclusion: Strategic Framework for Appeal Decisions

California workers' compensation appeals following a workers' compensation judge decision present a complex multi-stage process with strict procedural requirements, multiple legal standards, and varying probabilities of success at each stage. Practitioners facing the decision whether to appeal, and what arguments to advance, should apply a structured strategic framework that accounts for the strength of available grounds for reconsideration, the applicable standards of review, the likelihood of success at each appellate stage, and the costs and risks of pursuing appeal.

The foundation of sound appeal strategy begins with careful, critical evaluation of the trial court record and the legal arguments supporting the judgment. Practitioners should identify the weakest aspects of the trial judge's decision—whether factual findings unsupported by substantial evidence, legal errors in application of statutes or precedent, newly discovered evidence that could alter the outcome, or fraud or misconduct—and should focus the reconsideration petition on these core vulnerabilities. Petitions that raise marginal or cumulative arguments alongside the strongest arguments risk diffusing the WCAB's attention and weakening the overall presentation.

The timing of appeal is also critical. Practitioners must recognize that the 20-day (or extended) deadline for filing a petition for reconsideration is absolute and jurisdictional, and that missing this deadline forecloses all appellate review and renders the trial court decision final and unappealable. Practitioners should calendar the deadline immediately upon service of the decision and should not procrastinate in making the decision whether to appeal; waiting until the last moment increases the risk of missing the deadline and provides insufficient time to develop a thoughtful petition.

Practitioners should also carefully distinguish between petitions for reconsideration (appropriate for final orders) and petitions for removal (appropriate for interlocutory orders), and should avoid filing alternative petitions unless there is genuine uncertainty about the character of the order. The WCAB has made clear that filing frivolous or bad-faith alternative petitions exposes practitioners to sanctions up to \$20,000 per filing, and such sanctions are enforceable regardless of the outcome of the underlying appeal.[61]

Finally, practitioners should realistically assess the probability of success at successive appellate stages. Success at the WCAB reconsideration level may be achievable (probability of 20-70 percent depending on the arguments) for appeals presenting legal errors, factual insufficiency challenges supported by contradictory evidence, or newly discovered evidence. However, if the appeal is unsuccessful at the WCAB level and proceeds to the Court of Appeal via writ of review, the probability of success drops substantially to approximately 10-25 percent, as appellate courts apply a highly deferential standard. Given these probabilities, practitioners should carefully evaluate whether arguments that are unlikely to succeed at the WCAB level are worth raising, as doing so creates an adverse WCAB precedent that the Court of Appeal will give substantial deference to in any later writ of review petition.

The statutory framework governing workers' compensation appeals has been clarified and tightened by recent amendments and appellate decisions. The amended Labor Code Section 5909, effective July 2, 2024, provides the WCAB additional time to meet its deadlines by running the 60-day clock from the date of case transmission rather than petition filing. Recent appellate decisions have strictly enforced deadline compliance and have limited equitable tolling to narrow circumstances. Practitioners must navigate this tightened procedural framework with care and precision, ensuring that all deadlines are met, all procedural requirements are satisfied, and all arguments are grounded in controlling law and supported by specific reference to the trial court record. Practitioners who do so will maximize their clients' prospects for successful appellate review and will minimize the risk of losing appeal rights through procedural default.

References

- [1] Sullivan Attorneys - WCAB Provides Guidance on New Time Limits for Reconsideration (<https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909>)
- [2] Visionary Law Group - Step-by-Step Guide to Filing an Appeal for Workers' Compensation (<https://visionarylawgroup.com/step-by-step-guide-to-filing-an-appeal-for-workers-compensation/>)
- [3] California Courts - Rule 8.720 Review of Workers' Compensation Appeals Board Cases (https://courts.ca.gov/cms/rules/index/eight/rule8_720)
- [4] WorkCompCentral - 6th DCA Publishes Latest WCAB Deadline Decision (<https://www.workcompcentral.com/news/article/id/d1572f8ebbd75f90a46e61613df6c0c540b7dd5d>)
- [5] California Department of Industrial Relations - Workers' Compensation Appeals Board Organization and Functions (https://www.dir.ca.gov/wcab/about_wcabf.htm)
- [6] Alvandi Law Group - How the Appeals Process Works (<https://www.alvandigroup.com/blog/2017/december/how-the-appeals-process-works/>)
- [7] California Department of Industrial Relations - Section 10945 Required Content of Petitions for Reconsideration (<https://www.dir.ca.gov/t8/10945.html>)
- [8] Sullivan Attorneys - Time Extensions for Petitions for Reconsideration (<https://www.sullivanattorneys.com/blog/time-extensions-petitions-reconsideration>)
- [4] WorkCompCentral - 6th DCA Publishes Latest WCAB Deadline Decision (Zenith Insurance) (<https://www.workcompcentral.com/news/article/id/d1572f8ebbd75f90a46e61613df6c0c540b7dd5d>)
- [9] Sullivan on Comp - Special Report: WCAB Must Act on Petition for Reconsideration Within 60 Days (<https://www.sullivanoncomp.com/blog/special-report-wcab-must-act-on-petition-for-reconsideration-within-60-days>)
- [10] Justia - 2025 California Labor Code, Chapter 7 Reconsideration and Judicial Review (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>)
- [11] Justia - Zenith Insurance Co. v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2026/h052785.html>)
- [12] Bradford Barthel - Reconsideration & Writs (PDF Practice Materials) (https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414_Recons__Writs_PP.pdf)

- [3] California Courts - Rule 8.720 Review of Workers' Compensation Appeals Board Cases (https://courts.ca.gov/cms/rules/index/eight/rule8_720)
- [13] New York Workers' Compensation Board Bulletins (<https://www.wcb.ny.gov/content/main/SubjectNos/subjectNos.jsp>) (not California; included in search results but not directly applicable)
- [5] California Department of Industrial Relations - Workers' Compensation Appeals Board Organization and Functions (https://www.dir.ca.gov/wcab/about_wcabf.htm)
- [6] Alvandi Law Group - How the Appeals Process Works (<https://www.alvandigroup.com/blog/2017/december/how-the-appeals-process-works/>)
- [14] California Department of Industrial Relations - New QME Process Regulation Section 55.1 Effective April 1, 2026 (<https://www.dir.ca.gov/DIRNews/2026/2026-11.html>)
- [15] Justia - California Labor Code Section 5950 Judicial Review (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-2/section-5950/>)
- [16] Sullivan on Comp - 1st District Court of Appeal Holds That WCAB Must Act on Petition for Reconsideration Within 60 Days (<https://www.sullivanoncomp.com/blog/special-report-1st-district-court-of-appeal-holds-that-wcab-must-act-on-petition-for-reconsideration-within-60-days>)
- [17] Enlyte - California Utilization Review Regulation Updates Effective April 1, 2026 (<https://www.enlyte.com/insights/news-release/utilization-management/california-utilization-review-regulation-updates-effective-2026>)
- [18] California Department of Industrial Relations - Workers' Compensation Appeals Board Petitions (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm)
- [19] California Lawyers Association - Top 10 2024 California Workers' Comp Developments (<https://calawyers.org/workers-compensation/top-10-2024-california-workers-comp-developments/>)
- [20] California Department of Industrial Relations - Office of Administrative Law Approves DWC's Proposed Utilization Review Regulations (<https://www.dir.ca.gov/DIRNews/2025/2025-125.html>)
- [21] RJY Law - WCAB Emphasizes Proper Standards in Workers' Compensation Cases (<https://www.rjylaw.com/when-medical-opinions-fall-short-wcab-emphasizes-proper-standards-in-workers-compensation-cases/>)
- [3] California Courts - Rule 8.720 Review of Workers' Compensation Appeals Board Cases (https://courts.ca.gov/cms/rules/index/eight/rule8_720)
- [22] Pearson Ford v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2017/d070915.html>)
- [23] Bradford Barthel - Reconsideration & Writs (PDF) (https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414_Recons__Writs_PP.pdf)
- [12] Bradford Barthel - Reconsideration & Writs (PDF) (https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414_Recons__Writs_PP.pdf)
- [24] Sullivan on Comp - WCAB Panel Holds That Email Notification Is Sufficient for QME Strike (<https://www.sullivanoncomp.com/blog/wcab-panel-holds-that-email-notification-is-sufficient-for-qme-strike>)
- [25] Justia - California Labor Code Section 5903 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5903/>)
- [26] State Bar Court - Duty to Present Evidence, Reinstatement-Burden of Proof (https://www.statebarcourt.ca.gov/portals/2/documents/reporter/V01_002Giddens.pdf)
- [27] California Department of Industrial Relations - DWC Permanent Disability Benefits (<https://www.dir.ca.gov/dwc/permanentdisability.htm>)

- [28] California Department of Industrial Relations - WCAB Panel Decision Joe Guillen ADJ15105366 (<https://www.dir.ca.gov/wcab/Panel-Decisions-2026/Joe-GUILLEN-ADJ15105366.pdf>)
- [29] California Department of Industrial Relations - WCAB En Banc Decisions (https://www.dir.ca.gov/wcab/wcab_enbanc.htm)
- [30] Law Office of Joseph Richards - What Is A QME In California Workers' Compensation (<https://www.pi.law/blog/what-is-a-qme-in-california-workers-compensation-and-how-it-can-make-or-break-your-case/>)
- [31] California Department of Industrial Relations - WCAB Panel Decision Sandra Jachim Scheuing (<https://www.dir.ca.gov/wcab/SignificantPanelDecisions2024/JACHIM-SCHEUING-Sandra.pdf>)
- [16] Justia - Mayor v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2024/a169465m.html>)
- [32] California Department of Industrial Relations - DWC Petition for Reconsideration Form (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm)
- [33] California Department of Industrial Relations - WCAB Significant Panel Decisions (https://www.dir.ca.gov/wcab/wcab_panel.htm)
- [1] Sullivan Attorneys - WCAB Provides Guidance on New Time Limits for Reconsideration (<https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909>)
- [18] California Department of Industrial Relations - WCAB Petitions Where to File (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm)
- [1] California Department of Industrial Relations - New QME Process Regulation (<https://www.dir.ca.gov/DIRNews/2026/2026-11.html>)
- [34] California Department of Industrial Relations - DWC Posts Draft Regulations Updating EAMS Rules (<https://www.dir.ca.gov/DIRNews/2025/2025-108.html>)
- [21] RJY Law - WCAB Emphasizes Proper Standards in Workers' Compensation Cases (<https://www.rjylaw.com/when-medical-opinions-fall-short-wcab-emphasizes-proper-standards-in-workers-compensation-cases/>)
- [35] Justia - Mayor v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2024/a169465m.html>)
- [36] California Department of Industrial Relations - EAMS Electronic Adjudication Management System (<https://www.dir.ca.gov/dwc/eams/eams.htm>)
- [37] PMC - Probability and Uncertainty in Clinical and Forensic Medicine (<https://pmc.ncbi.nlm.nih.gov/articles/PMC4365132/>)
- [10] Justia - 2025 California Labor Code Chapter 7 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/>)
- [12] Bradford Barthel - Reconsideration & Writs (PDF) (https://bradfordbarthel.com/wp-content/uploads/2021/06/20150414_Recons__Writs_PP.pdf)
- [38] Sullivan on Comp - WCAB Must Act on Petition for Reconsideration Within 60 Days (<https://www.sullivanoncomp.com/blog/wcab-must-act-on-petition-for-reconsideration-within-60-days>)
- [18] California Department of Industrial Relations - WCAB Petitions Where to File (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm)
- [39] Marshall Dennehey - Under Section 440 Attorney's Fees (<https://marshalldennehey.com/articles/under-section-440-act-unreasonable-contest-will-always-result-award-attorney%E2%80%99s-fees-and>)
- [40] Justia - Zurich American Insurance Co. v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2023/b321864.html>)

- [41] CalMatters - AB 1124: Workers' Compensation Prescription Medication Formulary (https://calmatters.digitaldemocracy.org/bills/ca_201520160ab1124)
- [42] Horvitz Levy - Supreme Court Will Resolve Unusual Workers' Comp Conflict (<https://www.horvitzlevy.com/supreme-court-will-resolve-unusual-workers-comp-conflict/>)
- [43] Torrez Legal - The Appeals Process for Denied Workers' Compensation Claims (<https://torrezlegal.com/blog/the-appeals-process-for-denied-workers-compensation-claims/>)
- [44] Enlyte - California Senate Bill 1160: New Utilization Review Regulations (<https://www.enlyte.com/insights/article/utilization-management/california-senate-bill-1160-new-utilization-review>)
- [33] California Department of Industrial Relations - WCAB Significant Panel Decisions (https://www.dir.ca.gov/wcab/wcab_panel.htm)
- [45] Helblock Law - Workers' Comp Claim Denied in California: What to Do Next (<https://www.helblocklaw.com/workers-comp-claim-denied-in-california-what-to-do-next/>)
- [46] RJY Law - Time Is NOT on Your Side: Your Quick Guide to WCAB Appeals (<https://www.rjylaw.com/time-is-not-on-your-side-your-quick-guide-to-wcab-appeals/>)
- [35] Justia - Mayor v. Workers' Compensation Appeals Board (<https://law.justia.com/cases/california/court-of-appeal/2024/a169465m.html>)
- [47] California Lawyers Association - The Goa Decision and Due Process (<https://calawyers.org/workers-compensation/the-go-a-decision-and-due-process-the-process-that-is-due-under-the-circumstances/>)
- [48] California Department of Industrial Relations - Section 10961 Actions by Workers' Compensation Judge After Petition for Reconsideration (<https://www.dir.ca.gov/t8/10961.html>)
- [49] California Department of Industrial Relations - WCAB Panel Decision Triseena Carter (<https://www.dir.ca.gov/wcab/Panel-Decisions-2021/Triseena-CARTER-ADJ8200135.pdf>)
- [50] California Department of Industrial Relations - Section 10955 Petitions for Removal and Answers (<https://www.dir.ca.gov/t8/10955.html>)
- [51] Sullivan on Comp - Time Extensions for Petitions for Reconsideration (<https://www.sullivanoncomp.com/blog/time-extensions-for-petitions-for-reconsideration>)
- [52] California Department of Industrial Relations - WCAB Panel Decision Raul Magana (<https://www.dir.ca.gov/wcab/Panel-Decisions-2025/Raul-MAGANA-ADJ14609243-ADJ17389142.pdf>)
- [53] California Department of Industrial Relations - WCAB Panel Decision Mark Evans (<https://www.dir.ca.gov/wcab/Panel-Decisions-2025/Mark-EVANS-ADJ13254756.pdf>)
- [54] California Department of Industrial Relations - Section 10605 Time Within Which to Act When Document is Served by Mail (<https://www.dir.ca.gov/t8/10605.html>)
- [55] CaseMine - ADJ11247295 Bridget Campos v. Norm's (<https://www.casemine.com/judgement/us/65ae344eaf42ad07dc78b00d/amp>)
- [56] Sullivan on Comp Blog - Commutation of Attorney Fees from Lifetime Awards (<https://www.sullivanoncomp.com/blog/topic/continuing-jurisdiction>)
- [1] Sullivan Attorneys - WCAB Provides Guidance on New Time Limits for Reconsideration (<https://www.sullivanattorneys.com/blog/wcab-provides-guidance-new-time-limits-reconsideration-lc-5909>)
- [29] California Department of Industrial Relations - WCAB En Banc Decisions (https://www.dir.ca.gov/wcab/wcab_enbanc.htm)
- [57] Advocate Magazine - Using the Standard of Review to Craft a Persuasive Brief (<https://www.advocatemagazine.com/article/2024-december/using-the-standard-of-review-to-craft-a-persuasive-brief>)

[58] Justia - California Labor Code Section 5909 (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-7/article-1/section-5909/>)

[33] California Department of Industrial Relations - WCAB Significant Panel Decisions (https://www.dir.ca.gov/wcab/wcab_panel.htm)

[59] ADI San Diego - The Burden of Proof Does Not "Disappear" on Appeal (PDF) (https://www.adi-sandiego.com/wp-content/uploads/2023/10/Burden_of_proof_and_substantial_evidence_memo_updated_by_ESM_FEB_2023.pdf)

[7] California Department of Industrial Relations - Section 10945 Required Content of Petitions for Reconsideration (<https://www.dir.ca.gov/t8/10945.html>)

[60] California Department of Industrial Relations - WCAB and DWC Allow for Limited Email Filing Options (<https://www.dir.ca.gov/DIRNews/2020/2020-32.html>)

[61] Sullivan Attorneys - Navigating WCAB's Recent Order on Frivolous Petitions (<https://www.sullivanattorneys.com/blog/wcab-imposes-sanctions-frivolous-petitions-reconsideration>)

[62] Cornell Law - Cal. Code Regs. Tit. 8, Section 10940 Filing and Service of Petitions (<https://www.law.cornell.edu/regulations/california/8-CCR-10940>)

[36] California Department of Industrial Relations - EAMS Electronic Adjudication Management System (<https://www.dir.ca.gov/dwc/eams/eams.htm>)

[63] California Department of Industrial Relations - Section 10421 Sanctions (<https://www.dir.ca.gov/t8/10421.html>)