

Cases added from July CWCR & CCC

Gaines, et al. v. ABM Aviation, Inc. (2026) 54 CWCR 97 (WCAB en banc)

Granting removal after WCJ suspended action in 24 cases involving (small) C&R's, the Board explained the guidelines for WCJ's considering adequacy of C&R's, commenting that the focus of the WCJ should be protecting the applicant and the public and providing due process for all parties. The cases were returned to the trial level to be assigned to a different WCJ

Goodwin v. Atascadero State Hospital (2026) 54 CWCR 100 (WCAB)

Granting recon in case in which PTP's 35th RFA for continuing residential treatment was denied by UR, the panel focused on Section 4610 (i)(4)(c) which governs concurrent review decisions and provides that medical care cannot be discontinued until the PTP has been notified and there is an agreement on a case plan appropriate to the employee's medical needs. The panel also cited Rule 9792.9 (e)(6) which has a similar requirement.

Garcia (dec'd) v. Sergio Andrade (2026) 54 CWCR 101 (WCAB)

Affirming the WCJ, the panel agreed that the employer had a duty to investigate and reimburse for family provided care and that said obligation is not diminished when the providers are outside the employer's MPN.

Carter v. Precon Products (2026) 54 CWCR 104 (WCAB)

Denying recon, the panel agreed with the WCJ that applicant had some use of hands which negated the PTD presumption under 4662(a)(2), and that the medical and vocational evidence was insufficient to rebut the PDRS, thus upholding the award of 57% PD.

Hammonds v. Tesoro West Coast Corp (2026) 54 CWCR 106 (WCAB)

The panel affirmed the WCJ's decision that the in pro per applicant had failed to prove a violation of Section 132a by the employer. [ED: Facts from in pro per very convoluted]

Sierra v. City of Los Angeles Police Dept (2026) 54 CWCR 107 (WCAB)

Ordering further record development, the panel noted that the record established that applicant police officer experienced 3 separate Covid-19 infections separated by periods of TD and a return to work each time.

Thus, the panel stated that the arbitrator could not merge those 3 infections into a single CT without first determining the proper characterization of each alleged injury, noting that sections 3208.2 and 5803 require separate determinations for each injury and prohibit one injury from merging into another.

Garcia v. JM Eagle (2026) 91 CCC 638 (WCAB)

Reversing WCJ's order for replacement of QME due to distance of QME's new office (from Sacramento to Indio), panel noted that defendant offered air transportation and cited Section 4602.3 (k) stating that the parties must use the same evaluator "to the extent possible" and that the geographical distance should be considered. The panel noted that the record does not include any medical advice that would contraindicate applicant's travel to the QME's new office location.

Lowe v. San Mateo County Transit Dist. (2026) 91 CCC 648 (WCAB)

Reversing the WCJ's decision that bus driver's hearing loss CT claim was barred by the statute of limitations because it was filed four years after he retired, the split panel found that first evidence of ratable disability was date of QME report and application was filed within one year of said date.

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