

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

3
4 **ANTHONY DENNIS,**

5 *Applicant,*

6 **vs.**

7 **STATE OF CALIFORNIA – DEPARTMENT**
8 **OF CORRECTIONS AND**
9 **REHABILITATION INMATE CLAIMS;**
10 **STATE COMPENSATION INSURANCE**
11 **FUND,**

12 *Defendants.*

Case No. **ADJ9346293**
(Sacramento District Office)

NOTICE OF INTENTION TO
SUBMIT FOR DECISION
(En Banc)

13 We previously granted reconsideration to provide an opportunity to further study the legal and
14 factual issues raised by the Petition for Reconsideration filed by defendant State Compensation Insurance
15 Fund, which challenges our earlier July 31, 2018 Opinion and Decision After Reconsideration (July 31
16 2018 Opinion). This is our Notice of Intention to affirm our July 31, 2018 decision and to allow the
17 Administrative Director an opportunity to provide briefing on the issue of the validity and authority of
18 Administrative Director (AD) Rule 10133.54¹ (Cal. Code Regs., tit. 8, § 10133.54) in light of the
19 exclusive jurisdiction of the Workers' Compensation Appeals Board (WCAB)² to adjudicate
20 compensation claims under Labor Code³ section 5300.

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25 ¹ AD Rule 10133.54 provides that parties may seek dispute resolution regarding the SJDB program from the Administrative
Director. AD Rule 10133.54 is quoted in its entirety on pp. 9-10.

26 ² For the purposes of this Opinion, reference to the Appeals Board is only to the Office of the Commissioners and reference to
the WCAB includes the trial courts and the Appeals Board.

27 ³ All subsequent statutory references are to the Labor Code.

1 To secure uniformity of decision in the future, the Chair of the Appeals Board, upon a unanimous
2 vote of its members, assigned this case to the Appeals Board as a whole for an en banc decision.⁴

3 Based upon our review of the record, defendant’s Petition, applicant’s Answer, and the relevant
4 statutes, rules, and case law, we intend to issue a decision holding that:

5 (1) AD Rule 10133.54 is invalid because it exceeds the statutory authority
6 granted to the Administrative Director under sections 4658.5, subdivision
7 (c), and 4658.7, subdivision (h)⁵, and restricts the exclusive adjudicatory
power of the WCAB to adjudicate compensation claims, including disputes
over supplemental job displacement benefits; and

8 (2) an employer must show that it made a bona fide offer of regular,
9 modified, or alternative work in order to avoid liability for a supplemental
job displacement benefit voucher.

10 In order to allow the Administrative Director an opportunity to address the issues raised by our
11 proposed decision to invalidate AD Rule 10133.54, we issue a notice of intention (NIT) to allow the
12 Administrative Director thirty (30) days to respond. The response shall be limited to the issue of whether
13 AD Rule 10133.54 is invalid because it exceeds the statutory authority granted to the Administrative
14 Director under sections 4658.5(c) and 4658.7(h) and restricts the exclusive adjudicatory power of the
15 WCAB to adjudicate compensation claims, including disputes over supplemental job displacement
16 benefits (SJDB).

17 **I. FACTUAL AND PROCEDURAL BACKGROUND**

18 Applicant sustained industrial injury on October 29, 2013 to his right wrist while working as an
19 inmate laborer for the California Department of Corrections and Rehabilitation. The parties resolved
20 applicant’s workers’ compensation claim via Stipulations with Request for Award and an Award was
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22 ⁴ En banc decisions of the Appeals Board are binding precedent on all Appeals Board panels and workers’ compensation
23 administrative law judges. (Cal. Code Regs., tit. 8, former § 10341, now § 10325 [eff. Jan. 1, 2020]; *City of Long Beach v.*
24 *Workers’ Comp. Appeals Bd. (Garcia)* (2005) 126 Cal.App.4th 298, 316, fn. 5 [70 Cal.Comp.Cases 109]; *Gee v. Workers’*
Comp. Appeals Bd. (2002) 96 Cal.App.4th 1418, 1424, fn. 6 [67 Cal.Comp.Cases 236].) This en banc decision is also adopted
as a precedent pursuant to Government Code section 11425.60(b).

25 ⁵ All subsequent references to a subdivision are simply noted by a parenthesis. Section 4658.5(c) provides in relevant part that
26 the Administrative Director shall adopt regulations governing the form of payment and reimbursement of the program and
27 “other matters necessary to the proper *administration* of the supplemental job displacement benefit” program. (§ 4658.5(c),
emphasis added.) Section 4658.7(h) states that the Administrative Director shall adopt regulations for the *administration* of
the supplemental job displacement benefits program, including, but not limited to, notices and forms to be issued under this
program. (§ 4658.7(h).) Sections 4658.5(c) and 4658.7(h) are quoted in full on pp. 9-10.

1 issued on September 11, 2017. This settlement did not include applicant's claim for a SJDB voucher.⁶
2 (Stipulations with Request for Award dated September 7, 2017, p. 7.)

3 Prior to the settlement, on May 15, 2017, defendant sent applicant a Notice of Offer of Regular,
4 Modified, or Alternative Work. (Joint Exhibit 1, Notice of Offer of Regular, Modified, or Alternative
5 Work.) The letter accompanying the Notice states, "We are advising you that your employer has either
6 your regular work or a modified or an alternative job available for you." (*Id.* at p. 2.) The Notice,
7 however, also states, "SUBJECT TO APPLICANT VERIFYING THEY ARE LAWFULLY
8 QUALIFIED TO ACCEPT EMPLOYMENT AS AN INMATE LABORER, YOU HAVE
9 VOLUNTARILY TERMINATED YOUR EMPLOYMENT DUE TO YOUR RELEASE FROM
10 PRISON AND ARE NO LONGER AVAILABLE FOR EMPLOYMENT [*sic*]." (*Id.* at p. 4,
11 capitalization in original.)

12 On September 19, 2017, applicant filed a Request for Dispute Resolution Before Administrative
13 Director, requesting that the Administrative Director resolve the issue of applicant's entitlement to a
14 SJDB voucher and the issue of applicant's objection to defendant's offer of regular, modified, or
15 alternative work. (Joint Exhibit 2, Request for Dispute Resolution.) It is undisputed that the
16 Administrative Director did not issue a determination, and pursuant to AD Rule 10133.54(f),⁷ the request
17 was therefore deemed denied on December 8, 2017.

18 On February 6, 2018, applicant filed a Declaration of Readiness to Proceed with an
19 accompanying petition at the Sacramento District Office requesting resolution of his entitlement to a
20 SJDB voucher. (Declaration of Readiness to Proceed; Petition for Grant of Supplemental Job
21 Displacement Benefit.)

22 The parties proceeded to trial on March 27, 2018 on the issues of whether applicant's appeal of
23 the presumed denial by the Administrative Director of the request for dispute resolution was timely and
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25 ⁶ A SJDB voucher pays for a range of education-related retraining, skill enhancement, and/or vocational expenses at the
26 injured worker's option to equip them to re-enter the workforce. (§ 4658.7(e).)

27 ⁷ AD Rule 10133.54(f) sets forth the time limits for the Administrative Director to issue a decision; if no decision timely
issues, the request is deemed denied. (Cal. Code Regs., tit. 8, § 10133.54(f).)

1 whether applicant is entitled to a SJDB voucher. (Minutes of Hearing/Summary of Evidence
2 (MOH/SOE), p. 2:7-8.)

3 On May 9, 2018, the WCJ issued a Findings and Award finding that applicant's appeal of the
4 Administrative Director's decision was untimely, and that applicant was not entitled to a SJDB voucher.

5 Applicant filed a Petition for Reconsideration on May 15, 2018, contending that he is entitled to a
6 SJDB voucher. We granted reconsideration on July 16, 2018 to allow sufficient opportunity to further
7 study the factual and legal issues raised in the Petition.

8 In our July 31, 2018 Opinion, we rescinded the May 9, 2018 Findings and Award, and substituted
9 a new Finding that applicant is entitled to a SJDB voucher. In our Opinion, we concluded that the
10 WCAB maintains exclusive jurisdiction to adjudicate SJDB disputes irrespective of AD Rule 10133.54,
11 which provides that the parties may request a dispute resolution with the Administrative Director before
12 appealing the Administrative Director's decision to the WCAB. Accordingly, we found in our July 31,
13 2018 Opinion that applicant is entitled to a SJDB voucher even though he did not file an appeal of the
14 Administrative Director's presumed denial within the 20-day time period set forth in AD Rule
15 10133.54(g).

16 Defendant, newly aggrieved, now seeks reconsideration of our July 31, 2018 decision, which we
17 granted on October 26, 2018.

18 Defendant contends that: (1) the Administrative Director has the authority to set the timeline for
19 filing an appeal; (2) AD Rule 10133.54 does not abrogate the WCAB's ability to adjudicate SJDB
20 voucher claims; (3) if there is a statutory conflict, the specific statute granting the Administrative
21 Director power to administer the SJDB program is paramount to the general statute granting the WCAB
22 adjudicatory power over compensation disputes; (4) it complied with its obligation under the plain
23 meaning of the Labor Code; (5) an employer is not required to make a showing of a bona fide offer when
24 issuing a return to work offer; (6) requiring defendant to provide a SJDB voucher in this instance is a
25 violation of the equal protection clause; (7) it was not the intent of the Legislature to afford inmate
26 employees greater access to SJDB vouchers than non-inmate employees; (8) the Appeals Board's
27 decision could invalidate all prior decisions of the Administrative Director regarding SJDB vouchers

1 resulting in a greater number of cases to be adjudicated by the WCAB; and (9) the Appeals Board should
2 invite the Administrative Director to file a brief before making a final decision in this case.

3 We received an Answer from applicant. Applicant contends that: (1) defendant owes applicant a
4 SJDB voucher because it did not provide him with a bona fide offer of regular or modified work within
5 60 days of Agreed Medical Evaluator (AME) Thomas S. Pattison, M.D.,’s report finding that applicant
6 had reached maximum medical improvement; (2) defendant is not disproportionately burdened by
7 providing a SJDB voucher to applicant because the Labor Code otherwise disproportionately benefits
8 defendant by reducing benefits to inmate laborers; and (3) denying applicant a SJDB voucher on the
9 ground of timeliness is inappropriate because AD Rule 10133.54(g), which governs appeals of the
10 Administrative Director’s decision, is permissive, not mandatory.

11 II. DISCUSSION

12 A. **AD Rule 10133.54 is invalid because it exceeds the statutory authority granted to the** 13 **Administrative Director under sections 4658.5(c) and 4658.7(h) and restricts the** 14 **exclusive adjudicatory power of the WCAB to adjudicate compensation claims,** 15 **including disputes over supplemental job displacement benefits.**

16 In determining the validity and authority of AD Rule 10133.54, we first review the authority
17 vested in the WCAB.

18 1. **The WCAB has exclusive jurisdiction pursuant to the California Constitution and** 19 **section 5300 to adjudicate workers’ compensation disputes.**

20 Article XIV, Section 4, of the California Constitution, provides in pertinent part that:

21 The Legislature is hereby expressly vested with plenary power, unlimited
22 by any provision of this Constitution, to create, and enforce a complete
23 system of workers’ compensation, by appropriate legislation, and in that
24 behalf to create and enforce a liability on the part of any or all persons to
25 compensate any or all of their workers for injury or disability, and their
26 dependents for death incurred or sustained by the said workers in the
27 course of their employment, irrespective of the fault of any party. . .

* * *

The Legislature is vested with plenary powers, to provide for the settlement
of any disputes arising under such legislation by arbitration, or by an
industrial accident commission, by the courts, or by either, any, or all of
these agencies, either separately or in combination, and may fix and control
the method and manner of trial of any such dispute, the rules of evidence
and the manner of review of decisions rendered by the tribunal or tribunals

1 designated by it; provided, that all decisions of any such tribunal shall be
2 subject to review by the appellate courts of this State. . . .

3 * * *

4 Nothing contained herein shall be taken or construed to impair or render
5 ineffectual in any measure the creation and existence of the industrial
6 accident commission of this State or the state compensation insurance fund,
7 the creation and existence of which, with all the functions vested in them,
8 are hereby ratified and confirmed.

9 (Cal. Const. Art. XIV, § 4.)

10 Under this constitutional grant of plenary power to the Legislature, the California Workers'
11 Compensation Act (§ 3200 et seq.) was enacted "to establish a complete and exclusive system of
12 workers' compensation including 'full provision for vesting power, authority and jurisdiction in an
13 administrative body with all the requisite governmental functions to determine any dispute or matter
14 arising under such legislation, to the end that the administration of such legislation shall accomplish
15 substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character;
16 all of which matters are expressly declared to be the social public policy of this State" (*Crawford*
17 *v. Workers' Comp. Appeals Bd.* (1989) 213 Cal.App.3d 156, 163 [54 Cal.Comp.Cases 198] citing Cal.
18 Const., art. XIV, § 4; § 3201; *Graczyk v. Workers' Comp. Appeals Bd.* (1986) 184 Cal.App.3d 997, 1002
19 [51 Cal.Comp.Cases 408].) Thus, under the grant of authority in the California Constitution, the Appeals
20 Board operates as an appellate court of limited jurisdiction that reviews and decides appeals from
21 decisions issued by workers' compensation administrative law judges. (Cal. Const., art. XIV, § 4;
22 §§ 111-116, 133-134, 3201, 5300-5302, 5900 et seq.; *Bankers Indemnity Ins. Co. v. Industrial Acc. Com.*
23 (1935) 4 Cal.2d 89; *Fremont Indemnity v. Workers' Comp. Appeals Bd.* (1984) 153 Cal.App.3d 965 [49
24 Cal.Comp.Cases 288]; *Azadigian v. Workers' Comp. Appeals Bd.* (1992) 7 Cal.App.4th 372, 376 [57
25 Cal.Comp.Cases 391] ["[t]he WCAB . . . is a constitutional court"].)⁸

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⁸ The Office of the Attorney General recognizes that the WCAB "is the adjudicatory body of the workers' compensation system which imposes on employers as defined therein, without regard to their negligence or the lack of negligence of their employees, a liability to compensate workers for work-related injuries." (61 Ops.Cal.Atty.Gen. 46 (1978) citing *Western Indemnity Co. v. Pillsbury* (1915) 170 Cal. 686.)

1 The Workers' Compensation Act is found in Divisions 4 and 4.5 of the Labor Code, as
2 administered and enforced by the Division of Workers' Compensation under the control of the
3 Administrative Director, "except as to those duties, powers, jurisdiction, responsibilities, and purposes as
4 are *specifically vested* in" the Appeals Board. (§ 111, emphasis added.) The Administrative Director
5 "exercise[s] the powers of the head of a department... [including] supervision of, and responsibility for,
6 personnel, and the coordination of the work of the division. . . ." (§ 111; see §§ 123, 127, 133
7 [describing various powers of the Administrative Director].) The Appeals Board exercises *all judicial*
8 *powers* vested in it by the Labor Code and may do all things necessary or convenient in the exercise of
9 any power or jurisdiction conferred upon it by the Labor Code. (§§ 111, 133; see §§ 115, 130, 134,
10 5307, 5309, 5813, 5900 et. seq.) [describing various powers of the Appeals Board].) In addition to
11 review of appeals of decisions issued by workers' compensation administrative law judges by way of
12 petitions for reconsideration and/or removal (§ 5900 et. seq.), the major function of the Appeals Board is
13 regulation of the adjudication process by adopting rules of practice and procedure and issuing en banc
14 opinions (§ 5307; § 115).⁹

15 Pursuant to section 5300, the WCAB has exclusive jurisdiction to adjudicate the "recovery of
16 compensation, or concerning any right or liability arising out of or incidental thereto" of injuries that
17 "arise out of and in the course" of employment. (§§ 3600(a), 5300(a); see *Santiago v. Employee Benefits*
18 *Servs.* (1985) 168 Cal.App.3d 898, 901-902.) Compensation includes medical treatment, temporary
19 disability indemnity, permanent disability indemnity, SJDB vouchers, and death benefits. (§ 3207
20 [compensation includes every benefit or payment to which an injured worker or their dependents is
21 statutorily entitled]; see § 3550(d)(5); *Fuentes v. The Cheesecake Factory et al.* (June 9, 2016,
22 ADJ9441873) [2016 Cal. Wrk. Comp. P.D. LEXIS 286, *6] ["The Supplemental Job Displacement
23 Benefit qualifies as 'compensation'"]; *Portugal v. Mikasa et al.* (February 10, 2009, ADJ4312477,
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⁹ The Appeals Board has delegated to the workers' compensation administrative law judges at the trial level all necessary
25 judicial power and duties to hear and make decisions for the Appeals Board in initial trials and proceedings. (§§ 5309, 5310,
26 5313.) After the Appeals Board issues a final decision following a petition for reconsideration, an aggrieved party may file a
27 petition for writ of review in the appropriate California District Court of Appeal. (§ 5950.) The appellate court may not hold
a trial de novo, or take evidence, or exercise its independent judgment on the evidence. (§ 5952.) It is limited to determining
the lawfulness of the Appeals Board's decision. (§ 5951.)

1 ADJ2550699, ADJ1243304, ADJ541032, ADJ595387, ADJ1104781) [2009 Cal. Wrk. Comp. P.D.
2 LEXIS 143, *3] [“the WCJ explained that the definition of ‘compensation’ under section 3207 is broad
3 enough to include the rehabilitation voucher even though it is not paid to the injured worker.”]¹⁰ In
4 other words, the WCAB maintains exclusive jurisdiction pursuant to the California Constitution and
5 section 5300 to adjudicate workers’ compensation disputes.¹¹

6 **2. The exclusive adjudicatory power of the WCAB includes determination of the**
7 **validity of AD regulations.**

8 As explained in our opinion in *Mendoza v. Huntington Hosp. et al.* (2010) 75 Cal.Comp.Cases
9 634 (Appeals Board en banc) (writ den.), “[t]he WCAB has exclusive original jurisdiction to determine
10 the validity of regulations adopted by the AD. [Citations.]” (*Id.* at p. 640; writ of review denied
11 September 16, 2010 sub nom. *Mendoza v. Workers’ Comp. Appeals Bd. (Huntington Hosp.)* (2010) 75
12 Cal.Comp.Cases 1204 [2010 Cal. Wrk. Comp. LEXIS 196]; review denied December 1, 2010 (S186764)
13 2010 Cal. LEXIS 12091; see *Navarro v. City of Montebello* (2014) 79 Cal.Comp.Cases 418, 426
14 (Appeals Board en banc) and *Scudder v. Verizon California, Inc.* (March 10, 2011, ADJ916063) [2011
15 Cal. Wrk. Comp. P.D. LEXIS 138, *7].) In making this determination, a court must consider the
16 following: (1) whether the regulation is consistent and not in conflict with the statute, and (2) whether the
17 regulation is within the scope of the authority conferred. (*Mendoza*, at p. 640.) A regulation that is
18 inconsistent with the statute is invalid. (*Ibid.*) Likewise, a regulation that exceeds the scope of the
19 enabling statute is invalid. (*Id.* at p. 641.) “Accordingly, ‘any . . . regulation promulgated by the
20 [Administrative] Director of the Division of Workers’ Compensation in contradiction to the Workers’
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22 ¹⁰ Panel decisions are not binding precedent (as are en banc decisions) on all other Appeals Board panels and workers’
23 compensation judges. (See *Gee, supra*, 96 Cal.App.4th at p. 1425, fn. 6.) A California Compensation Cases digest of a “writ
24 denied” case is also not binding precedent. (*MacDonald v. Western Asbestos Co.* (1982) 47 Cal.Comp.Cases 365, 366
(Appeals Board en banc).) While not binding, the WCAB may consider panel decisions to the extent that it finds their
reasoning persuasive. (See *Guitron v. Santa Fe Extruders* (2011) 76 Cal.Comp.Cases 228, 242, fn. 7 (Appeals Board en
banc).)

25 ¹¹ As discussed in *Stevens v. Workers’ Comp. Appeals Bd.* (2015) 241 Cal.App.4th 1074, 1091 [80 Cal.Comp.Cases 1262], the
26 Legislature created statutory exceptions to the WCAB’s exclusive adjudicatory jurisdiction in sections 4610 (utilization
27 review) and 4610.6 (independent medical review). (§§ 4610 and 4610.6.) Sections 3715(c) (workers’ compensation
insurance) and 4603.6(f) (medical bills) are additional statutory exceptions to the WCAB’s exclusive adjudicatory jurisdiction.
(§§ 3715(c) and 4603.6(f).)

1 Compensation Act is invalid. . . . [A]dministrative regulations may not contravene [the] terms of statutes
2 under which they are adopted. [Citations.]” (Ibid.) Courts “not only may, but it is their obligation to
3 strike down such regulations. [Citations.]” (Ibid.)

4 In sum, the Appeals Board is vested with exclusive original jurisdiction to determine the validity
5 of regulations adopted by the Administrative Director pursuant to statutory and long-standing case
6 authority. Specifically, as relevant here, the Appeals Board is vested with exclusive original jurisdiction
7 to determine the validity of AD Rule 10133.54.

8 **3. AD Rule 10133.54 exceeds the authority granted in sections 4658.5(c) and 4658.7(h),**
9 **which authorizes the Administrative Director to adopt regulations for the**
10 **administration of the supplemental job displacement benefits program.**

11 In 2003, the Legislature enacted section 4658.5, which enabled the Administrative Director to
12 adopt AD Rule 10133.54 in 2005. (§ 4658.5(c).) In 2012, the Legislature added section 4658.7, which
13 modified the enabling language found in section 4658.5(c). (§ 4658.7(h).) Section 4658.5 applies to
14 injuries occurring on or after January 1, 2004, and before January 1, 2013. (§ 4658.5(a).) Section 4658.7
15 applies to injuries occurring on or after January 1, 2013. (§ 4658.7(a).) Although the Legislature enacted
16 a new enabling statute for injuries occurring on or after January 1, 2013, the language in AD Rule
17 10133.54 has remained largely unchanged throughout the years (except for one amendment in 2008,
18 which made minor procedural changes).

19 Both sections 4658.5 and 4658.7 provide that an injured employee who sustains permanent partial
20 disability is entitled to a SJDB voucher. (§§ 4658.5 and 4658.7.) Both statutes provide an exemption to
21 a SJDB voucher when the employer makes an offer of regular, modified, or alternative work that meets
22 certain specified criteria. (§§ 4658.6 and 4658.7(b).) Depending on the year of the injury and, in some
23 instances, on the level of the permanent disability award, a SJDB voucher is redeemable up to \$10,000,
24 to pay for a range of retraining or vocational expenses at the injured employee’s option. (§§ 4658.5 and
25 4658.7.)

26 The relevant portion of section 4658.5(c) provides:

27 (c) . . . The administrative director shall adopt regulations governing the
form of payment, direct reimbursement to the injured employee upon
presentation to the employer of appropriate documentation and receipts,

1 and other matters necessary to the proper administration of the
2 supplemental job displacement benefit.

3 Section 4658.7(h) states that:

4 The administrative director shall adopt regulations for the administration of
5 this section, including, but not limited to, both of the following:

6 (1) The time, manner, and content of notices of rights under this section.

7 (2) The form of a mandatory attachment to a medical report to be
8 forwarded to the employer pursuant to paragraph (1) of subdivision (b) for
9 the purpose of fully informing the employer of work capacities and of
activity restrictions resulting from the injury that are relevant to potential
regular work, modified work, or alternative work. (§ 4658.7(h).)

10 AD Rule 10133.54 is a regulation adopted by the Administrative Director. AD Rule 10133.54
11 provides:

12 (a) This section and section 10133.55 shall only apply to injuries occurring
13 on or after January 1, 2004.

14 (b) When there is a dispute regarding the Supplemental Job Displacement
15 Benefit, the employee, or claims administrator may request the
16 administrative director to resolve the dispute.

(c) The party requesting the administrative director to resolve the dispute
shall:

17 (1) Complete Form DWC-AD 10133.55 "Request for Dispute Resolution
18 before the Administrative Director;"

19 (2) Clearly state the issue(s) and identify supporting information for each
issue and position;

20 (3) Attach all pertinent documents;

21 (4) Submit a copy of the request and all attached documents to the
22 administrative director and serve a copy of the request and all attached
documents on all parties; and

23 (5) Attach a signed and dated proof of service to the Form DWC-AD
24 10133.55 "Request for Dispute Resolution before the Administrative
Director."

25 (d) The opposing party shall have twenty (20) calendar days from the date
26 of the proof of service of the Request to submit the original response and
all attached documents to the administrative director and serve a copy of
27 the response and all attached documents on all parties.

1 (e) The administrative director or his or her designee may request
2 additional information from the parties.

3 (f) The administrative director or his or her designee shall issue a written
4 determination and order based solely on the request, response, and any
5 attached documents within thirty (30) calendar days of the date the
6 opposing party's response and supporting information is due. If the
7 administrative director or his or her designee requests additional
8 information, the written determination shall be issued within thirty (30)
9 calendar days from the receipt of the additional information. In the event
10 no decision is issued within sixty (60) calendar days of the date the
11 opposing party's response is due or within sixty (60) calendar days of the
12 administrative director's receipt of the requested additional information,
13 whichever is later, the request shall be deemed to be denied.

14 (g) Either party may appeal the determination and order of the
15 administrative director by filing a written petition together with a
16 declaration of readiness to proceed pursuant to section 10250 within twenty
17 calendar days of the issuance of the decision or within twenty days after a
18 request is deemed denied pursuant to subdivision (f). The petition shall set
19 forth the specific factual and/or legal reason(s) for the appeal as set forth in
20 section 10294.5 of title 8 of the California Code of Regulations.¹²

21 (Cal. Code Regs., tit. 8, § 10133.54.)

22 AD Rule 10133.54 permits an employee, employer, or claims administrator to request the
23 Administrative Director to resolve a SJDB dispute. (Cal. Code Regs., tit. 8, § 10133.54(b).) Once such a
24 request is made, the Administrative Director "shall issue a written determination and order based on the
25 request" (Cal. Code Regs., tit. 8, § 10133.54(f).) The employee, employer, or claims administrator
26 then has twenty calendar days or twenty days, depending on whether the Administrator Director issued a
27 decision resolving a SJDB dispute or the request to the Administrator Director to resolve a SJDB dispute
was deemed denied, to appeal the Administrator Director's decision to the WCAB. (Cal. Code Regs., tit.
8, § 10133.54(g).)

AD Rule 10133.54 appears to be adjudicatory in nature in that it requires the Administrative
Director to issue a written determination and order concerning a SJDB dispute. (Cal. Code Regs., tit. 8,
§ 10133.54(f).) Furthermore, AD Rule 10133.54 limits the period of time for parties to appear before the

¹² Effective 2014, AD Rule 10294.5 was renumbered to 10208.11 without any changes. (Cal. Code Regs., tit. 8, § 10208.11.) AD Rule 10208.11 implements AD Rule 10133.54 and provides a procedure for a party to appeal the determination and order of the Administrative Director regarding a SJDB voucher. (*Ibid.*) To the extent that AD Rule 10208.11 is viewed separately from AD Rule 10133.54, it would be invalid for the same reasons discussed herein.

1 WCAB. (Cal. Code Regs., tit. 8, § 10133.54(g).) It suggests that a party with a SJDB dispute may only
2 seek adjudication with the WCAB after a dispute resolution determination by the Administrative Director
3 and within twenty days of that determination. (*Ibid.*)

4 AD Rule 10133.54 appears to restrict and usurp the exclusive adjudicatory power of the WCAB
5 because it exceeds the expressed language of sections 4658.5(c) and 4658.7(h). Pursuant to section
6 4658.5(c), the Administrative Director is authorized by statute to adopt regulations governing the form of
7 payment and reimbursement of the program and “other matters necessary to the proper *administration* of
8 the supplemental job displacement benefit.”¹³ (§ 4658.5(c), emphasis added.) Similarly, pursuant to
9 section 4658.7(h), the Administrative Director is authorized by statute to adopt regulations for the
10 *administration* of the SJDB program, such as regulations concerning notices and medical reporting.
11 (§ 4658.7(h).)

12 Neither statute authorizes the Administrative Director to *adjudicate*¹⁴ SJDB disputes. As
13 discussed above, the power to adjudicate workers’ compensation claims is reserved exclusively to the
14 WCAB. (§§ 5300, 5307; see 1 CA Law of Employee Injuries & Workers’ Comp § 1.12 (2018) [“The
15 nonjudicial functions of the Division of Workers’ Compensation are under the control of the
16 Administrative Director”].) It, therefore, appears that to the extent that AD Rule 10133.54 restricts
17 the adjudicatory power of the WCAB, it is invalid, as it exceeds the statutory authority granted to the
18 Administrative Director to *administer* the SJDB program. (*Mendoza, supra*, 75 Cal.Comp.Cases at
19 pp. 640-641; *Navarro, supra*, 79 Cal.Comp.Cases at p. 427; *Scudder, supra*, 2011 Cal. Wrk. Comp. P.D.
20 LEXIS 138, *7.)

21 Of note, we are aware that the WCAB’s exclusive jurisdiction to adjudicate workers’
22 compensation claims is subject to affirmative defenses such as the statute of limitations. In workers’
23

24 ¹³ The word “administration” means “the act or process of administering something.” (Merriam-Webster Online Dict.,
25 <<https://www.merriam-webster.com/dictionary/administration>> [as of January 2, 2020].) The word “administer” means “to
26 manage or supervise the execution, use, or conduct of.” (Merriam-Webster Online Dict., <[https://www.merriam-
webster.com/dictionary/administer](https://www.merriam-webster.com/dictionary/administer)> [as of January 2, 2020].)

27 ¹⁴ The word “adjudicate” means “to make an official decision about who is right in (a dispute): to settle judicially.” (Merriam-
Webster Online Dict., <<https://www.merriam-webster.com/dictionary/adjudicate>> [as of January 2, 2020].)

1 compensation cases, there is a statute of limitations that specifically defines the time in which an injured
2 worker must file their application for adjudication of benefits. (§ 5405.) There are also principles of
3 substantial justice and liberality of statutory interpretation that are constitutionally and statutorily
4 prescribed in a workers' compensation case. (See § 3202.) For instance, the WCAB "has broad
5 equitable powers with respect to matters within its jurisdiction. [Citation]." (*Truck Ins. Exchange v.*
6 *Workers' Comp. Appeals Bd. (Kwok)* (2016) 2 Cal.App.5th 394, 401 [81 Cal.Comp.Cases 685].)
7 "[E]quitable doctrines such as laches are applicable in workers' compensation litigation. [Citations]."
8 (*Ibid.*) Furthermore, as discussed in footnote 11, there are statutory exceptions to the WCAB's exclusive
9 adjudicatory jurisdiction in sections 3715(c) (workers' compensation insurance), 4603.6(f) (medical
10 bills), 4610 (utilization review), and 4610.6 (independent medical review). (§§ 3715(c), 4603.6(f), 4610
11 and 4610.6.)

12 Specifically, the WCAB's exclusive jurisdiction to adjudicate SJDB disputes is guided by the
13 statutory limitations set forth in sections 4658.5, 4658.6, and 4658.7. These include limitations on the
14 amount and usage of the voucher, expiration of the voucher, and exceptions to the entitlement of the
15 voucher. (§§ 4658.5, 4658.6, 4658.7.) In other words, while the WCAB maintains exclusive jurisdiction
16 to adjudicate SJDB disputes, this exclusive jurisdiction is subject to affirmative defenses and the
17 statutory limitations as determined by the trier of fact in light of the evidence and applicable
18 circumstances.

19 We further observe that an initial determination of SJDB eligibility by the Administrative Director
20 appears to abrogate the WCAB's exclusive adjudicatory power and is not consistent with the powers
21 granted to the Administrative Director. For instance, we observe that the Administrative Director's
22 initial determination regarding disputed medical bills appears to be distinct from an initial determination
23 regarding SJDB disputes because the former is based on statute (§ 4603.6(f)) and the latter is based on a
24 regulation (Cal. Code Regs., tit. 8, § 10133.54). A statute is a law enacted by the Legislature.¹⁵

25 _____
26 ¹⁵ The Merriam-Webster online dictionary defines "statute" as "a law enacted by the legislative branch of government."
27 (Merriam-Webster Online Dict., <<https://www.merriam-webster.com/dictionary/statute>> [as of January 2, 2020].) Black's
Law Dictionary defines "statute" as a "law passed by a legislative body; specif., legislation enacted by any lawmaking body,
such as a legislature, administrative board, or municipal court." (Black's Law Dict. (10th ed. 2014) p. 1633, col. 1.)

1 A regulation is a rule issued by a governmental agency and must be authorized by statute.¹⁶ As discussed
2 above, a regulation is invalid if it is inconsistent with or exceeds the scope of the enabling statute.
3 (*Mendoza, supra*, 75 Cal.Comp.Cases at p. 640.) Thus, while the Administrative Director may properly
4 make an initial determination regarding disputed medical bills, it may not be proper for the
5 Administrative Director to make an initial determination regarding SJDB disputes. In short, the WCAB
6 maintains exclusive jurisdiction to adjudicate workers' compensation claims unless there is a statutory
7 carve out as discussed in footnote 11, *infra*.

8 Additionally, requiring a party to file an appeal within a specified timeframe is not within the
9 Administrative Director's administrative authority because, as discussed above, this requirement appears
10 to restrict a party from accessing the jurisdiction of the WCAB. (See Petition for Reconsideration,
11 p. 5:9-6:21.) It suggests that a party may seek adjudication with the WCAB only after a determination
12 from the Administrative Director and within 20 days of that determination.

13 Therefore, for these reasons, we intend to hold that AD Rule 10133.54 is invalid because it exceeds
14 the statutory authority granted to the Administrative Director under sections 4658.5(c) and 4658.7(h),
15 and restricts the exclusive adjudicatory power of the WCAB to adjudicate compensation claims,
16 including disputes over SJDB vouchers.

17 **B. An employer must show that it made a bona fide offer of regular, modified, or**
18 **alternative work in order to avoid liability for a supplemental job displacement**
benefits voucher.

19 Turning to the case before us, we previously decided in our July 31, 2018 Opinion that applicant
20 is entitled to a SJDB voucher. Section 3370 provides that inmates are entitled to workers' compensation
21 benefits and sets forth the requirements for compensation. Section 3370(e) states in pertinent part that,
22 "Notwithstanding any other provision of this division, an employee who is an inmate, as defined in
23 subdivision (e) of Section 3351 who is eligible for vocational rehabilitation services as defined in Section

24 ¹⁶ *Cooper v. Swoap* (1974) 11 Cal.3d 856 (864) ["administrative regulations promulgated under the aegis of a general statutory
25 scheme are only valid insofar as they are authorized by and consistent with the controlling statutes."] The Merriam-Webster
26 online dictionary defines "regulation" as "an authoritative rule dealing with details or procedure" and "a rule or order issued
27 by an executive authority or regulatory agency of a government and having the force of law." (Merriam-Webster Online
Dict., <<https://www.merriam-webster.com/dictionary/regulation>> [as of January 2, 2020].) Black's Law Dictionary defines
"regulation" as "[c]ontrol over something by rule or restriction . . ." (Black's Law Dict. (10th ed. 2014) p. 1475, col. 1.)

1 4635 shall only be eligible for direct placement services.” (§ 3370(e).) In 2004, Senate Bill 899 (SB
2 899) terminated vocational rehabilitation benefits as of January 1, 2009. (*Weiner v. Ralphs Co.* (2009)
3 74 Cal.Comp.Cases 736, 742 (Appeals Board en banc).) We note, however, that the Legislature did not
4 amend section 3370 to preclude or limit provision of a SJDB voucher to inmates. The fact that the
5 Legislature did not amend section 3370 to preclude or limit provision of a SJDB voucher persuades us
6 that the Legislature did not intend to restrict inmates from this benefit. “The Legislature is presumed to
7 be aware of all laws in existence when it passes or amends a statute. [Citations.] The failure of the
8 Legislature to change the law in a particular respect when the subject is generally before it and changes
9 in other respects are made is indicative of an intent to leave the law as it stands in the aspects not
10 amended. [Citations.]” (*Geletko v. Cal. Highway Patrol* (2016) 81 Cal.Comp.Cases 661, 667 [216 Cal.
11 Wrk. Comp. P.D. LEXIS 202] citing *In re Greg F.* (2012) 55 Cal.4th 393, 407, quotation and citations
12 omitted.) Hence, inmates, like other injured workers, are equally eligible for SJDB vouchers under the
13 statute.

14 Section 4658.7(b) provides that an injured employee with permanent partial disability is entitled
15 to a SJDB voucher unless the employer makes an offer of regular, modified, or alternative work that is
16 made no later than the specified period provided by section 4658.7(b)(1), and the offer is for regular
17 work, modified work, or alternative work lasting at least 12 months. (§ 4658.7(b).)

18 Section 4658.1 defines regular, modified, and alternative work as follows:

19 (a) “Regular work” means the employee’s usual occupation or the position
20 in which the employee was engaged at the time of injury and that offers
21 wages and compensation equivalent to those paid to the employee at the
time of injury, and located within a reasonable commuting distance of the
employee’s residence at the time of injury.

22 (b) “Modified work” means regular work modified so that the employee
23 has the ability to perform all the functions of the job and that offers wages
24 and compensation that are at least 85 percent of those paid to the employee
at the time of injury, and located within a reasonable commuting distance
of the employee’s residence at the time of injury.

25 (c) “Alternative work” means work that the employee has the ability to
26 perform, that offers wages and compensation that are at least 85 percent of
27 those paid to the employee at the time of injury, and that is located within
reasonable commuting distance of the employee’s residence at the time of
injury.

1 (§ 4658.1(a) – (c).)

2 As explained further below, we conclude that in order to qualify as an exception to the entitlement to a
3 SJDB voucher, the offer of regular, modified, or alternative work must be bona fide.¹⁷

4 In *Jackson v. California Prison Industry Authority* (August 2, 2017, ADJ9968628) [2017 Cal.
5 Wrk. Comp. P.D. LEXIS 368, *5], defendant sent a job offer to applicant that stated, “You have
6 voluntarily terminated your employment due to your release from prison and are no longer available for
7 employment.” (*Ibid.*) The WCJ in *Jackson* held that,

8 Defendant did not offer Applicant any work, and much less any work
9 lasting at least 12 months. Even though Applicant was willing and ready to
10 perform modified work, both the CALPIA Return to Work Coordinator and
11 the Claims Representative informed the Applicant attorney there was no
12 available work for Ms. Jackson. [citation] The act of sending the job offer
13 notice, by itself, did not establish a bona fide job offer. Defendant
14 indicated to Applicant that she was ‘no longer available for employment,’
15 and that there were no positions available. (*Id.* at p. *6.)

16 The *Jackson* decision analogized to *Robertson v. Workers’ Comp. Appeals Bd.* (2003) 112
17 Cal.App.4th 893 [68 Cal.Comp.Cases 1567]. In *Robertson*, applicant was terminated for cause that was
18 unrelated to his injuries before he reached permanent and stationary status and became eligible for
19 vocational rehabilitation. (*Id.* at pp. 897-898.) Defendant sent applicant a letter that stated in pertinent
20 part, “Invoicer is the position [defendant] would have offered [applicant] had he not been terminated for
21 breaching the attendance policy.” (*Id.* at p. 898, underline in original.) The Court of Appeal held that
22 defendant’s offer of the invoicer job did not constitute an offer of alternative work that satisfied
23 defendant’s vocational rehabilitation obligation because defendant did not *actually* offer applicant the
24 alternative position of invoicer when it used the phrase “would have offered.” (*Id.* at p. 901, underline in

25 ¹⁷ The Merriam-Webster online dictionary defines “bona fide” as: “made in good faith without fraud or deceit”, “neither
26 specious nor counterfeit: GENUINE”, and “made with earnest intent: SINCERE.” (Merriam-Webster Online Dict.,
27 <<https://www.merriam-webster.com/dictionary/bona%20fide>> [as of January 2, 2020].) Black’s Law Dictionary has a similar
definition: “1. Made in good faith; without fraud or deceit. 2. Sincere; genuine.” (Black’s Law Dict. (10th ed. 2014) p. 210,
col. 2.) A bona fide offer is therefore an offer made in good faith or a sincere offer. (See also *Leach v. Home Savings & Loan*
Assn. (1986) 185 Cal.App.3d 1295, 1301-1302, quoting Black’s Law Dict. (4th ed. 1968), p. 223, col. 2 [defining a “bona fide
transaction” as a “transaction which the parties operate ‘[in] or with good faith; honestly, openly, and sincerely; without deceit
or fraud’”]; *Merrill v. Dept. of Motor Vehicles* (1969) 71 Cal.2d 907, 920-921 [analyzing legal uses of the term and defining a
“bona fide car dealer” as one acting with honesty, fair dealing and freedom from deceit].)

1 original.) (See also *White v. Workers' Comp. Appeals Bd.* (2004) 69 Cal.Comp.Cases 525 [2004 Cal.
2 Wrk. Comp. LEXIS 133] (writ den.) [defendant properly delayed offering applicant his usual and
3 customary occupation even though he was medically released to regular work eight months earlier
4 because defendant was concerned that applicant's usual and customary occupation did not meet his
5 prophylactic work restrictions]; and *K-Mart v. Workers' Comp. Appeals Bd.* (1996) 61 Cal.Comp.Cases
6 1209 [1996 Cal. Wrk. Comp. LEXIS 3399] (writ den.) [defendant's offer of modified work at a former
7 store location 300 miles from applicant's residence was not proper].) We, therefore, conclude that an
8 offer of regular, modified, or alternative work must be bona fide.

9 We are cognizant that employment in a prison setting is unique in that inmate workers cannot
10 return to an inmate job once they are released from prison, making it impossible for a prison employer to
11 make a bona fide job offer. Our review of statutes and case law, however, leads us to conclude that an
12 employer's inability to offer regular, modified, or alternative work does not release an employer from the
13 statutory obligation to provide a SJDB voucher. (§ 4658.7(b).) "Labor Code section 3202 requires the
14 courts to view the Workers' Compensation Act from the standpoint of the injured worker, with the
15 objective of securing the maximum benefits to which he or she is entitled." (*Rubalcava v. Workers'*
16 *Comp. Appeals Bd.* (1990) 220 Cal.App.3d 901, 910 [55 Cal.Comp.Cases 196].) Thus, absent a bona
17 fide offer of regular, modified, or alternative work, regardless of an employer's ability to make such an
18 offer, and regardless of an employee's ability to accept such an offer, an employee is entitled to a SJDB
19 voucher. To hold otherwise would lead to absurd results. An inmate worker released from prison would
20 not have a bona fide offer to return to work and at the same time would not receive a SJDB voucher to
21 develop new skills to re-enter the workforce. We do not believe that the Legislature intended this result.
22 Thus, we conclude that an employer must show that it made a bona fide offer of regular, modified, or
23 alternative work in order to avoid liability for a SJDB voucher.

24 **C. On the record before us, defendant could not and did not provide a bona fide offer of**
25 **regular, modified, or alternative work and, therefore, applicant is entitled to a**
26 **supplemental job displacement benefits voucher.**

27 We now turn to the issue of whether defendant sent applicant a bona fide offer of regular,
modified, or alternative work. Here, defendant sent applicant a Notice of Offer of Regular, Modified, or

1 Alternative Work. (Joint Exhibit 1, Notice of Offer of Regular, Modified, or Alternative Work.) The
2 letter attached to the Notice states, “We are advising you that your employer has either your regular work
3 or a modified or an alternative job available for you.” (*Id.* at p. 2) The Notice, however, also states,
4 “SUBJECT TO APPLICANT VERIFYING THEY ARE LAWFULLY QUALIFIED TO ACCEPT
5 EMPLOYMENT AS AN INMATE LABORER, YOU HAVE VOLUNTARILY TERMINATED YOUR
6 EMPLOYMENT DUE TO YOUR RELEASE FROM PRISON AND ARE NO LONGER AVAILABLE
7 FOR EMPLOYMENT.” (*Id.* at p. 4, capitalization in original.)

8 We conclude that as in *Robertson and Jackson*, defendant here could not extend a bona fide offer
9 of regular, modified, or alternative work to applicant. The offer defendant provided to applicant states
10 that applicant is “no longer available for employment” because of his release from prison. Therefore,
11 defendant could not satisfy the exemption to providing a SJDB voucher.

12 Defendant’s citations to *Del Taco v. Workers’ Comp. Appeals Bd. (Gutierrez)* (2000) 79
13 Cal.App.4th 1437, 1441 [65 Cal.Comp.Cases 342], *Taro v. Atascadero State Hospital* (January 17, 2014,
14 ADJ7084316, ADJ7530582) [2014 Cal. Wrk. Comp. P.D. LEXIS 82, *4], and *Barcenas v. Ramco*
15 *Enterprises* (February 24, 2015, ADJ8311152) [2015 Cal. Wrk. Comp. P.D. LEXIS 91, *4] are
16 inapposite. They do not support the argument that an employer is released from making a bona fide
17 return to work offer and, at the same time, released from offering a SJDB voucher when events unrelated
18 to the injury, i.e., applicant’s release from prison, prevent applicant from accepting a return to work offer.
19 Unlike the case before us, the employer in each case, *Gutierrez*, *Taro*, and *Barcenas*, fulfilled its
20 statutory obligation by providing a bona fide return to work offer, regardless of the employee’s ability to
21 accept the return to work offer. In this case, defendant could not and did not make a bona fide return to
22 work offer. Thus, defendant is not exempt from providing a SJDB voucher.

23 Accordingly, for the reasons set forth above, we intend to issue a decision holding that:

- 24 (1) AD Rule 10133.54 is invalid because it exceeds the statutory authority
25 granted to the Administrative Director under sections 4658.5, subdivision
26 (c), and 4658.7, subdivision (h), and restricts the exclusive adjudicatory
27 power of the WCAB to adjudicate compensation claims, including disputes
over supplemental job displacement benefits; and

1 (2) an employer must show that it made a bona fide offer of regular,
2 modified, or alternative work in order to avoid liability for a supplemental
job displacement benefit voucher.

3 We issue a NIT to allow the Administrative Director the opportunity to respond within thirty (30)
4 days to the issue of whether AD Rule 10133.54 is invalid because it exceeds the statutory authority
5 granted to the Administrative Director under sections 4658.5(c) and 4658.7(h) and restricts the exclusive
6 adjudicatory power of the WCAB to adjudicate compensation claims, including disputes over
7 supplemental job displacement benefits.

8 For the foregoing reasons,

9 **NOTICE OF INTENTION IS HEREBY GIVEN** that the Workers' Compensation Appeals
10 Board intends to issue a decision holding that:

11 (1) AD Rule 10133.54 is invalid because it exceeds the statutory authority
12 granted to the Administrative Director under sections 4658.5, subdivision
13 (c), and 4658.7, subdivision (h), and restricts the exclusive adjudicatory
power of the WCAB to adjudicate compensation claims, including disputes
over supplemental job displacement benefits; and

14 (2) an employer must show that it made a bona fide offer of regular,
15 modified, or alternative work in order to avoid liability for a supplemental
job displacement benefit voucher.

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1 **NOTICE IS FURTHER GIVEN** that the Administrative Director may file a response to this
2 Notice of Intention within thirty (30) days that is limited to the proposed first holding above, whether AD
3 Rule 10133.54 is invalid because it exceeds the statutory authority granted to the Administrative Director
4 under sections 4658.5(c) and 4658.7(h) and restricts the exclusive adjudicatory power of the WCAB to
5 adjudicate compensation claims, including disputes over supplemental job displacement benefits. The
6 Administrative Director’s response must be filed by mail, addressed to the Workers’ Compensation
7 Appeals Board, Office of the Commissioners, at either its street address (455 Golden Gate Avenue, 9th
8 Floor, San Francisco, CA 94102) or its Post Office Box address (P.O. Box 429459, San Francisco,
9 California 94142-9459) and accompanied by a timely proof of service at one of those addresses within
10 thirty (30) days of service of this Notice of Intention plus five (5) additional days for mailing (Cal. Code
11 Regs., tit. 8, former § 10507(a)(1), now § 10605(a)(1) [eff. Jan. 1, 2020]) and as applicable under WCAB
12 Rule 10508 (Cal. Code Regs., tit. 8, former § 10508, now § 10600 [eff. Jan. 1, 2020]). Untimely or
13 misfiled responses may not be accepted or considered.

14 **IT IS ORDERED** that pending the issuance of the Decision After Reconsideration, all further
15 correspondence, objections, motions, requests, and communications shall be filed in writing in paper

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1 format (not e-filed or in electronic format) with the Workers' Compensation Appeals Board, P.O. Box
2 429459, ATTENTION: Office of the Commissioners, San Francisco, CA 94142-9459, and not with any
3 local office.

4 **WORKERS' COMPENSATION APPEALS BOARD (EN BANC)**

5
6 /s/ Katherine A. Zalewski
KATHERINE A. ZALEWSKI, Chair

7
8 /s/ Deidra E. Lowe
DEIDRA E. LOWE, Commissioner

9
10 /s/ Marguerite Sweeney
MARGUERITE SWEENEY, Commissioner

11
12 /s/ José H. Razo
JOSE H. RAZO, Commissioner

13
14 /s/ Juan Pedro Gaffney
JUAN PEDRO GAFFNEY, Commissioner

15
16 /s/ Katherine Williams Dodd
KATHERINE WILLIAMS DODD, Commissioner

17
18 /s/ Craig Snellings
CRAIG SNELLINGS, Commissioner

19
20
21 **DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

22 **01/13/2020**

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

25 **ANTHONY DENNIS**
26 **PAUL T. DOLBERG – MASTAGNI HOLSTEDT, A.P.C.**
27 **NATASHA M. HEALE – STATE COMPENSATION INSURANCE FUND**
OFFICE OF THE ADMINISTRATIVE DIRECTOR – LEGAL UNIT

LSM/AS/abs

DENNIS, Anthony