

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

IN RE: COVID-19 STATE OF EMERGENCY

EN BANC – NO. 6

Case No. MISC. NO. 265

Upon a unanimous vote of its members,¹ the Appeals Board issues this decision as a whole as an en banc decision.² (Lab. Code, § 115.)

On April 28, 2020, the Appeals Board issued our decision In Re: COVID-19 State of Emergency En Banc – No. 3 (Misc. No. 262) in response to the March 19, 2020 shelter-in-place order issued by the State of California's Governor, Gavin Newsom, requiring all Californians to stay home with certain limited exceptions.³ The Appeals Board temporarily suspended WCAB Rules 10620 and 10670(b)(3) regarding the 20 day requirement to file documentary trial exhibits. (Cal. Code Regs., tit. 8, former §§ 10393(h), 10622, now §§ 10620, 10670(b)(3) (eff. Jan. 1, 2020).)

The Appeals Board hereby rescinds its suspension of WCAB Rules 10620 and 10670(b)(3) as of December 1, 2020. These Rules will become effective again with respect to all workers' compensation matters on December 1, 2020. Therefore, WCAB Rules 10620 and 10670(b)(3) apply to all trials on or after December 1, 2020.

¹ Commissioner Gaffney was unavailable and did not participate in this decision.

² En banc decisions of the Appeals Board are binding precedent on all Appeals Board panels and WCJs. (Cal. Code Regs., tit. 8, former § 10341, now § 10325 (eff. Jan. 1, 2020); *City of Long Beach v. 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 decision pursuant to Government Code section 11425.60(b).

³ Governor Newsom's Executive Order N-33-20 may be accessed here: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.19.20-attested-EO-N-33-20-COVID-19-HEALTH-ORDER.pdf>. (See Evid. Code, § 452(c).)

For the foregoing reasons,

IT IS SO ORDERED.

WORKERS' COMPENSATION APPEALS BOARD (EN BANC)

/s/ KATHERINE A. ZALEWSKI, CHAIR

/s/ DEIDRA E. LOWE, COMMISSIONER

/s/ MARGUERITE SWEENEY, COMMISSIONER

/s/ JOSÉ H. RAZO, COMMISSIONER

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

/s/ CRAIG SNELLINGS, COMMISSIONER

DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 27, 2020



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

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