

# COMPENSATION NEWS

MONTHLY REPORT

## THE WORKERS' COMPENSATION APPEALS BOARD SANCTIONED A DEFENSE ATTORNEY FOR A PETITION FOR RECONSIDERATION

*This is a non published workers' compensation Appeals Board (WCAB) panel opinion*

This is a very significant case for workers' compensation principles in that it discusses the current case law.

The Workers' Compensation Judge (WCJ) issued a credit to the employer in this case in the amount of \$13,133.33. The correct amount should have been \$13,113.36. There was a

three cent error.

Instead of calling the Judge and notifying the Judge of the clerical error the defense attorney filed a Petition for Reconsideration over the three cent error. The WCAB sanctioned the defense attorney \$500 for filing this petition. The Board gave the defense attorney the opportunity to object to the sanctions. The defense attorney objected saying that the defense did not have to pay more than it owed.

The whole matter could have been averted if the defense attorney would have captioned the petition that the defendant was only seeking correction of a clerical error

and the petition was filed as an alternative if the correction was not completed.

Once it was filed it set in motion the procedure requiring all of the commissioners time and the staff over a sum of three cents.

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