

COMPENSATION NEWS

MONTHLY REPORT

THE COURT OF APPEAL ISSUED A NON PUBLISHED DECISION INVOLVING MISTAKE, INADVERTENCE, OR EXCUSABLE NEGLIGENCE

This is a non published Court of Appeal case

This is a very significant case for workers' compensation principles.

The applicant was injured in 1999. The applicant received an award from the Ventura Workers' Compensation Board.

Within five years the applicant filed a Petition to Reopen, but filed it at the

In this issue..

Contreras v WCAB, (CIGA)

Los Angeles Board.

A trial was held at the Oxnard Board on the Petition to Reopen in 2010. The Workers' Compensation Judge (WCJ) ruled that the Workers' Compensation Appeals Board (WCAB) lacked jurisdiction over the Petition to Reopen because the petition was not timely filed at the correct board. At the time the applicant filed the petition, the venue regulations required him to file in Ventura not Los Angeles.

On Petition for Reconsideration the WCAB agreed with the WCJ.

The Court of Appeal reversed. The venue regulations changed and the Court of Appeal considered this a procedural change that should not affect liability.

They further indicated that, as a matter of law, relief should be granted under the theory of mistake, inadvertence or excusable neglect, since the applicant merely filed at the wrong board.

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