



## WCAB has granted review of Dubon decision

By Joseph O'Keefe

In a somewhat unusual move, the Workers Compensation Appeal Board, the California administrative law court which handles workers compensation cases, has granted review of its own decision in:

***Jose Dubon v. World Restoration, Inc.: State Compensation Insurance Fund.***

The WCAB has reported that: "The Appeals Board granted State Compensation Insurance Fund's petition for reconsideration of the February 27, 2014 Opinion and Decision After Reconsideration (En Banc) wherein the Appeals Board previously held that the Workers' Compensation Appeals Board may determine if a utilization review decision suffered from material defects that undermine the integrity of the decision, and if so, it may then determine the medical necessity issue based on substantial medical evidence. (See *Dubon v. World Restoration, Inc.* (2014) 79 Cal.Comp.Cases 313 (Appeals Board en banc) (Dubon).) **Reconsideration was granted in order to allow sufficient opportunity to further study the factual and legal issues, noting that the prior decision remains in effect and binding pending a decision after reconsideration in the present matter.**"

In plain English, this means the WCAB wants to spend some time to think it over some more.

Until a decision issues modifying the original en banc decision in Dubon, attorney representing injured workers may still rely on the Dubon decision, however, this matter is still up for further review and Mr. Dubon *still* does not get his surgery.

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