

7. On __[date]__, within 20 days [or 25 days if service is by mail under 8 Cal Code Regs §10507(a)(1)] after the issuance of the __[disposition made by WCJ or Board]__, a verified petition for reconsideration was filed with respondent Board by __[petitioner/respondents]__ on the following grounds:

(a) __[State grounds and summarize points and arguments used]__.

(b) __[Continue to state grounds and summarize points and arguments used]__.

A copy of the report of the WCJ on the petition for reconsideration is attached and marked Exhibit __[e.g., “B”]__.

8. On __[date]__, respondent Board issued its order __[denying/granting petitioner’s/respondents]__ petition for reconsideration. A copy of that order is attached and marked Exhibit __[e.g., “C”]__.

Objections, irregularities, and claims of illegality are deemed to have been waived if not set forth in the petition for reconsideration.

PRACTICE TIP► Counsel should draft the petition for reconsideration so that all possible errors are preserved for review. See Lab C §5904; *Alford v IAC* (1946) 28 C2d 198, 206, 11 CCC 127. On reconsideration generally, see chap 21.

The objections should be stated in detail (*New Amsterdam Cas. Co. v IAC (Stacy)* (1934) 137 CA 719, 724, 20 IAC 229); a general allegation that “the award is unreasonable” is insufficient. *Cowell v IAC (Fimby)* (1938) 11 C2d 172, 179, 3 CCC 43. If, in a petition for reconsideration, it is alleged that all the findings were unsupported by the evidence and that in all respects the Board acted without and in excess of its powers, the allegations are sufficient to preserve the issue of deprivation of a constitutional right. *National Auto. & Cas. Ins. Co. v IAC (Lonnon)* (1949) 95 CA2d 10, 15, 14 CCC 252 (failure to give employer opportunity to be heard on issue of willful failure to insure was held denial of due process).

A decision of a WCJ is a decision of the Board. A petition *must* include as exhibits copies of the decisions to be reviewed, the Board’s order denying or granting reconsideration and decision after reconsideration, the WCJ’s findings and award or order, opinion on decision, and minutes of hearing and summary of evidence, and the WCJ’s report and recommendation on reconsideration. See Cal Rules of Ct 8.495(a)(1).