



New Case Brief
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White v. WCAB
(2005) 70 CCC 170 [Writ Denied]

Even though Labor Code Section 3202's requirement to construe workers' compensation laws liberally in favor of extending benefits to injured workers applies to the statute of limitations, the courts cannot ignore the unambiguous language of Labor Code Section 5410 pertaining to the five year statutory limitation period to reopen.

Labor Code Section 5410 permits the reopening of a prior decision of the WCAB for "new and further disability" upon the filing of a petition within five years of the date of injury. In the instant case, applicant had suffered an industrial injury to his low back on April 1, 1997. The parties settled the case via Stipulation with Request for Award on June 21, 2001, and a Petition to Reopen was filed two months after the five year statute of limitations had expired.

The workers compensation law judge ruled that the WCAB lacked jurisdiction to hear Mr. White's claim, since the applicant had filed his Petition to Reopen after the five-year limitations period and had failed to demonstrate equitable grounds for tolling the jurisdictional statute, even though indemnity benefits were paid more than five years after the date of injury.

Denying applicant's Petition for Writ of Review, The Court of Appeal found no feasible reason for the WCAB to retain jurisdiction as the claim had already been settled by way of a stipulated agreement. Furthermore, the Court distinguished appellate cases such as General Foundry Service v. Workers Comp. Appeals Bd. (1986) 42 Cal. 3d 331 and Los Angeles Unified School District v. Workers' Comp. Appeals Bd. (1985) 50 Cal. Comp. Cases 285, which involved exposure to asbestos. The Court also pointed out the non-existence of the detrimental reliance element required in Honeywell v. Worker's Comp. Appeals Bd. (2005) 2005 D.A.R. 1682. In conclusion, Mr. White having failed to demonstrate that he filed the Petition to Reopen as a result of the employer or carrier's conduct was not able to extend the WCAB's jurisdiction.