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July 21, 2005

An Open Letter to:

James C. Cuneo, Commissioner  
Worker's Compensation Appeals Board  
Post Office Box 429459  
San Francisco, California 94142-9459  
FAX: (415)-703-4549

And

John Rea, Chief Deputy Director  
Worker's Compensation  
455 Golden Gate Avenue  
San Francisco, CA 94102  
Fax: 510-622-3265

REF: Re-hearing of WCAB POM 154573, WCAB POM 164488

Ladies and Gentlemen:

If you are unfamiliar with my case, I invite you to visit the above listed website or check your records concerning the above cited WCAB case numbers.

As you are aware, I was denied a workers compensation award by a WCAB judge's order in 1997. Further, the attorney representing the State Compensation Insurance Fund (SCIF, or State Fund) was an attorney known as "Gustavo E. San Jose". You may be interested to know that the District Attorney serving Los Angeles issued an arrest warrant for Mr. San Jose. The charges included violations of California Insurance Code 1871, et. al. The arrest warrant was issued as "Case no. BA217127" on or about May 7, 2001. The arrest warrant concerned Mr. San Jose's activities in 1997, while appearing before the WCAB.

In general, issues related to "fraud upon the court" are not time barred in a judicial tribunal. Indeed, I direct you to the Federal Rules of Civil Procedure (FRCP) and Rule 60(b)(6). Generally, issues related to "fraud upon the court" can be heard at anytime by the appropriate tribunal.

Therefore, I believe it is prudent to move forward and re-open the case regarding my workers compensation claim against Race-Craft. My contention is that Mr. San Jose's activities before the WCAB represented "fraud on the court" and the Los Angeles D.A. arrest warrant seems to amplify this point.

My WCAB claim should be re-docketed and a re-hearing should take place concerning my original claims – with the absence of Mr. San Jose and his fraudulent activities.

I would deeply appreciate your assistance in assisting in the re-docketing of this case and to have an appropriate hearing scheduled to review my claims.

Thank you,

Larry Nign

Copies furnished:

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