

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico

Filed 3/14/2023 10:16 AM

2 **FERNANDO DIAZ,**

3 Worker-Appellant,

4 v.



Mark Reynolds

No. A-1-CA-40751

5 **MAYORGA ROOFING CORP.**

6 **And NEW MEXICO FOUNDATION**

7 **INSURANCE COMPANY,**

8 Employer/Insurer-Appellees.

9 **APPEAL FROM THE WORKERS' COMPENSATION ADMINISTRATION**

10 **Leonard J. Padilla, Administrative Hearing Officer**

11 LeeAnn Ortiz

12 Albuquerque, NM

13 for Appellant

14 Evie M. Jilek

15 Albuquerque, NM

16 for Appellees

17 **MEMORANDUM OPINION**

18 **DUFFY, Judge.**

19 {1} Worker-Appellant appealed from the Worker's Compensation Judge's (WCJ)

20 third amended compensation order. This Court issued a calendar notice proposing to


21 reverse the WCJ's order on January 30, 2023. On February 17, 2023, Worker-

22 Appellant filed a memorandum in support of this Court's notice of proposed

23 disposition. To this date, Appellees have not filed a memorandum in opposition to

1 this Court's notice of proposed disposition, and the time for doing so has now run.
2 Accordingly, we rely on the reasoning set out in this Court's notice of proposed
3 disposition, and we REVERSE.

4 {2} **IT IS SO ORDERED.**

5 
6 **MEGAN P. DUFFY, Judge**

7 **WE CONCUR:**

8 
9 **JENNIFER L. ATTREP, Chief Judge**

10 
11 **KRISTINA BOGARDUS, Judge**