

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Employment Services  
Labor Standards Bureau

Office of Hearings and Adjudication  
COMPENSATION REVIEW BOARD



(202) 671-1394-Voice  
(202) 673-6402 - Fax

CRB No. 09-076

EVANGELINE MONK,

Claimant-Respondent,

v.

HOWARD UNIVERSITY HOSPITAL,

and

SEDGWICK CMS.

Appeal from a Memorandum of Informal Conference of  
Claims Examiner, Alice Goldring  
OWC No. 570556

William H. Schladt, Esq., for Petitioner

Matthew Pepper, Esq., for Respondent

Before: JEFFREY RUSSELL, DAVID BODDIE and LARRY TARR, *Administrative Appeals Judges*

DAVID BODDIE, *Administrative Appeals Judge*, for the Review Panel:

**ORDER OF DISMISSAL**

JURISDICTION

Jurisdiction is conferred upon the Compensation Review Board (CRB) pursuant to D.C. Official Code §§ 32-1521.01 and 32-1522 (2004), 7 DCMR § 230, *et seq.*, and the Department of Employment Services Director's Directive, DOES Administrative Policy Issuance No. 05-01 (February 5, 2005).

OVERVIEW

This appeal follows the issuance of a Memorandum of Informal Conference by the Office of Workers' Compensation (OWC), Labor Standards, District of Columbia Department of Employment Services (DOES), issued April 21, 2009. In that Memorandum, the Administrative

Law Judge (ALJ) granted Claimant-Respondent's (Respondent) claim for authorization for medical treatment for her right knee by Dr. Sameer Nagda. The Employer-Petitioner (Petitioner) filed an Application for Review on May 20, 2009 seeking review of that Memorandum of Informal Conference (COR). On June 22, 2009, the Respondent filed an Opposition and Motion to Dismiss the Petitioner's Application for Review.

The Respondent asserts that the Compensation Review Board does not have jurisdiction to review this matter because the Memorandum of Informal Conference appealed from is not a Final Order subject to review pursuant to D.C. Code § 32-1522(a).

D.C. Code § 32-1522(a) regarding "Review of compensation orders" provides that:

a compensation order shall become effective when filed with the Mayor as provided in § 32-1520, and, unless proceedings for the suspension or setting aside of such order are instituted as provided in subsection (b) of this section, shall become final at the expiration of the 30<sup>th</sup> day thereafter. (1980).

In addition, the accompanying regulations regarding the conduct Informal Procedures and issuance of Memorandums of Informal Conferences pursuant to 7 DCMR § 219 provides in relevant part:

219.22 If an application for formal hearing is not filed in accordance with § 220 of this chapter within thirty-four (34) working days after the issuance of the Memorandum of Informal Conference, said Memorandum shall become final. Thereafter, the Office shall issue a Final Order which shall be sent by certified mail to the parties and their representatives, and the Hearings and Adjudication Section [now Administrative Hearings Division]. An aggrieved party may request a review by the Director [now CRB], DOES.

Because the April 21, 2009 Memorandum of Informal Conference is not a Final Order issued by the Office of Workers' Compensation it is not an Order from which an appeal may be taken, pursuant to D.C. Code § 32-1522(a) or 7 DCMR § 219.22, the Compensation Review Board lacks jurisdiction at this time to conduct a review. Therefore, the Respondent's Motion to Dismiss the Application for Review is **granted**.

Accordingly, for the foregoing reasons, the Petitioner's Application for Formal Hearing shall be dismissed, *without prejudice*, for lack of jurisdiction.

**IT IS SO ORDERED.**

FOR THE COMPENSATION REVIEW BOARD:



DAVID BODDIE

*Administrative Appeals Judge*

July 24, 2009

DATE