

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



F. THOMAS LUPARELLO
INTERIM DIRECTOR

CRB No. 11-0126(R)

**PALEMON CASARRUBIA GONZALEZ,
Claimant,**

v.

**ASYLUM COMPANY AND INSURANCE DESIGNERS OF MARYLAND,
Employer/Carrier.**

On Remand from the D.C. Court of Appeals
DCCA No. 12-AA-16038

Manuel Rivera, for the Claimant
Richard W Galihier, Jr., for the Employer/Carrier

LAWRENCE D. TARR, Chief *Administrative Appeals Judge*, for the Compensation Review Board.

REMAND ORDER

This matter is before the Compensation Review Board (CRB) on the August 7, 2013 opinion of the District of Columbia Court of Appeals (DCCA) vacating the Compensation Order on Remand, issued on October 14, 2011 by an Administrative Law Judge in the Administrative Hearings Division (AHD) of the Office of Hearings and Adjudication in the District of Columbia Department of Employment Services.

In its decision, the DCCA directed that this case be referred to AHD for new evidentiary hearing before a different ALJ that held the original evidentiary hearing:

Many of the factual questions remaining in this case require credibility determinations that should not be made on a cold record alone, and in light of the procedural history of this case, we think a new hearing before a new ALJ is the quickest and fairest route to a final resolution of this matter. Accordingly, we vacate the final order and remand with instructions that a new evidentiary hearing be held in front of a different ALJ to resolve the factual questions underlying the third prong of the *Bivens* test.

Palemon Casarrubia Gonzalez v. DOES and Asylum Company Inc., DCCA No. 12-AA-1603, Mem. Op. & J, (August 7, 2013) (copy attached to this Order).

Therefore, consistent with the DCCA'S August 7, 2013 Memorandum Opinion and Judgment, we remand this case to the AHD for a new evidentiary hearing to be held before a new ALJ.

ORDER

This case is **REMANDED** to AHD for further proceedings consistent with the DCCA's August 7, 2013.

FOR THE COMPENSATION REVIEW BOARD:

LAWRENCE D. TARR
Chief Administrative Appeals Judge

January 15, 2014
DATE