

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

HENRY GLOVER,)
)
 Claimant,)
)
 v.)
)
 DISTRICT OF COLUMBIA PUBLIC SCHOOLS,)
)
 Self-Insured Employer.)
 _____)

CRB No. 15-127 (A)
AHD No. PBL 12-015A
DCP No. 30101082290-0001

2016 FEB 19 PM 3 37
DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD

(Issued February 19, 2016)

JEFFREY P. RUSSELL, for the Compensation Review Board.

ORDER DISMISSING AN APPLICATION FOR AN ATTORNEY'S FEE WITHOUT PREJUDICE

On January 21, 2016, Claimant's counsel filed a fee application requesting the Compensation Review Board (CRB) assess against the Employer an attorney's fee of \$7,440.00, for 31.00 hours of work, asserted to have been performed by before the CRB in the appeal in this matter. The fee award was requested to be paid at the hourly rate of \$240.00.

Claimant's counsel's fee application further indicated the requested fee is in part based on \$58,050.63 in accrued indemnity benefits paid to Claimant, on anticipated future medical expenses and ongoing benefits payable at a rate of \$1,291.00 biweekly benefits, and upon \$23,238.00 in back benefits that have not yet been paid.

On January 17, 2016, an Order to Show Cause (OSC) was issued by the CRB in which Employer was directed to show cause why an order awarding an attorney's fee of \$7,400.00 should not be approved, awarded, and assessed against Employer as requested in the Fee Application, including any disagreement concerning the value of indemnity benefits obtained, and any evidence in support of any dispute as to that amount.

Employer's response to the OSC was ordered to be filed with the Compensation Review Board on or before Wednesday, February 12, 2016.

On February 12, 2016, Employer filed Employer's Response to Order to Show Cause Re: January 21, 2016 Fee Application (Employer's Response).

In Employer's Response, Employer averred that it was contemplating filing an appeal of the CRB decision underlying the fee application, stated that it viewed the fee application as premature because it was filed while the time for appeal was still running, and requested that the Petition be held in abeyance until such time as any appeal that is, if any, is decided.

On February 19, 2016, the CRB received from Employer a copy of a Petition for Review of the underlying CRB Decision that it indicates has been filed with the District of Columbia Court of Appeals.

Accordingly the fee application is dismissed without prejudice subject to being re-filed within 30 days of a final non-appealable order being issued in this case.

So ordered.