

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Department of Employment Services

VINCENT C. GRAY  
MAYOR



F. THOMAS LUPARELLO  
DIRECTOR

**CRB No. 11-096 (R)**

**HUGHEY PAYNE,  
Claimant,**

v.

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,  
Self- Insured Employer.**

On Remand from the District of Columbia Court of Appeals  
99 A. 3d 665 (D.C. 2014), AHD No. 07-134A, OWC No. 631492

David M. Schloss for the Claimant  
Mark H. Dho for the Employer

DEPT. OF EMPLOYMENT  
SERVICES  
COMPENSATION REVIEW  
BOARD  
2014 DEC 8 AM 11 15

**REMAND ORDER**

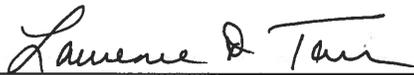
On September 18, 2014, the District of Columbia Court of Appeals (DCCA) issued an Order in this case that remanded this matter to the Compensation Review Board. The DCCA held:

Further factual findings are unnecessary because the December 2010 Compensation Order on Remand correctly addressed the issues on remand from the Court of Appeals, substantial evidence supported the ALJ's findings, and the ALJ's conclusions of law flowed rationally from those findings. Therefore, the Board's May 2, 2012, Order affirming—but not meaningfully reviewing—the August 2011 Compensation Order on Remand is reversed, and the December 2010 Compensation Order on Remand granting ongoing disability benefits from August 29, 2006, must be reinstated. The award should be limited, however, to the period ending July 22, 2012, the date on which Payne returned to work.

Accordingly, we reverse the Board's May 2, 2012, decision and remand the case to the Board with instructions to remand the case to the ALJ with further instructions to reinstate the ALJ's December 2010 award of temporary total disability benefits but limit the award to the period between August 29, 2006 to July 22, 2012.

Therefore, consistent with the DCCA's Order this case is remanded to the Administrative Hearings Division, Office of Hearings and Adjudication for entry of an award consistent with the DCCA's decision.

FOR THE COMPENSATION REVIEW BOARD:



LAWRENCE D. TARR

*Chief Administrative Appeals Judge*

December 8, 2014

DATE