

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Department of Employment Services**

VINCENT C. GRAY  
MAYOR



F. THOMAS LUPARELLO  
INTERIM DIRECTOR

**COMPENSATION REVIEW BOARD**

**CRB No. 11-047 (R)**

**KEVIN V. REYNOLDS,**  
**Claimant,**

v.

**CANON BUSINESS SOLUTIONS AND BROADSPIRE INSURANCE COMPANY,**  
**Employer and Carrier.**

Upon Remand from the District of Columbia Court of Appeals,  
No. 12-AA-0665 (March 20, 2014), AHD No.09-308A, OWC No 643143

DEPT. OF EMPLOYMENT  
SERVICES  
COMPENSATION REVIEW  
BOARD  
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Benjamin T. Boscolo for the Claimant  
Barry D. Bernstein for the Employer and Carrier

**REMAND ORDER**

On March 20, 2014, the District of Columbia Court of Appeals (DCCA) issued an Opinion in this case that reversed the Compensation Review Board's (CRB) April 18, 2012 decision. The CRB's decision had affirmed the April 14, 2011 Compensation Order issued by an Administrative Law Judge (ALJ) that held Employer was not financially responsible for Claimant's narcotic pain medication after July 1, 2009 because such medicine was not reasonable and necessary.

The DCCA held

In light of the UR report's reliance on a discredited IME report and the discrepancy between the UR report and the treating doctor's medical records we have discussed *supra*, the ALJ's analysis was flawed. The ALJ further erred in setting the reimbursement termination date retroactively to July 1, 2009, without any support in the record. The CRB erred, therefore, in affirming the ALJ's Compensation Order.

Accordingly, we reverse and remand the case for re-examination of the medical evidence and findings and conclusions consistent with established legal principles.

Therefore, consistent with the DCCA's decision, the ALJ's April 14, 2011 Compensation Order

is vacated and this case remanded to the Administrative Hearings Division for additional proceedings consistent with the DCCA's opinion.

FOR THE COMPENSATION REVIEW BOARD:

/s/ Lawrence D. Tarr  
LAWRENCE D. TARR  
*Chief Administrative Appeals Judge*

August 19, 2014  
DATE