

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
ACTING DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 14-156

ROBERT L. JOHNSON,
Claimant-Petitioner,

v.

HAMILTON CROWNE PLAZA HOTEL
and ZURICH AMERICAN INSURANCE Co.,
Employer/Insurer-Respondent.

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2015 MAR 24 PM 11 58

Appeal from a November 21, 2014 Compensation Order by
Administrative Law Judge Gerald D. Roberson
AHD No. 13-294A, OWC No. 660853

Robert L. Johnson *Pro Se Claimant*
Mark T. Krause for the Employer

Before LAWRENCE D. TARR, *Chief Administrative Appeals Judge* and HEATHER C. LESLIE, and
LINDA F. JORY, *ADMINISTRATIVE Appeals Judges*.

LAWRENCE D. TARR for the Compensation Review Board.

DECISION AND ORDER
FACTS OF RECORD AND PROCEDURAL HISTORY

Robert L. Johnson was employed as a cook for the employer. He was injured on February 29, 2009 when a metal pot fell off a stove and struck him in the head. Mr. Johnson filed a claim seeking permanent partial disability benefits.

The formal hearing on that claim was held before Administrative Law Judge (“ALJ”) Gerald D. Roberson on October 29, 2014. The hearing record closed on November 13, 2014 and on November 21, 2014, ALJ Roberson issued Compensation Order that denied Mr. Johnson’s claim for benefits.

Mr. Johnson filed an Application for Review with the Compensation Review Board. This document, titled "Order Opposing Points and Authorities in Support of the Application For Review," is dated December 24, 2014 and is date-stamped as being received at the Compensation Review Board on December 24, 2014.

On January 7, 2015, the Compensation Review Board received from Employer "Respondents' Motion To Dismiss Claimant's Application For Review." Employer argues that Claimant's Application for Review should be dismissed because it was not timely filed.

ANALYSIS

7 DCMR § 258.2 states:

An Application for Review must be filed within thirty (30) calendar days from the date shown on the certificate of service of the compensation order or final decision from which appeal is taken.

According to the Compensation Order's Certificate of Service, a copy of the Compensation Order was mailed to Mr. Johnson and the employer's attorney on November 21, 2014. Therefore, for the Compensation Review Board to have authority to consider Mr. Johnson's application for review, it must have been filed within 30 days of November 21, 2014. 30 days from November 21, 2014 was Sunday December 21, 2014. Since the 30th day fell on a Sunday, Mr. Johnson had until the close of business on Monday, December 22, 2014 to file his review.

CONCLUSION AND ORDER

Mr. Johnson's review request was not filed by the close of business December 22, 2014. His Application for Review was filed two days after the last date on which he could timely request review. Therefore, the Compensation Review Board is not authorized to hear his request and it must be dismissed as untimely filed.

Robert L. Johnson's request for review of the November 21, 2014 Compensation Order, must be, and is hereby DISMISSED.

FOR THE COMPENSATION REVIEW BOARD:



LAWRENCE D. TARR
Chief Administrative Appeals Judge

March 24, 2015

DATE