

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 14-111 (R)

**SAMUEL WOODS,
Claimant,**

v.

**OMNI ELEVATOR and
COMPANION PROPERTY AND CASUALTY,
Employer and Insurer.**

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2016 AUG 12 PM 2 08

On Remand from the District of Columbia Court of Appeals
No. 15-AA-314, Mem. Op. & J. (D.C. July 21, 2016)

(Issued August 12, 2016)

David M. Schloss for Claimant
W. Tyler Mays and Theresa M. Colwell for Employer

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

REMAND ORDER

On July 21, 2016 the District of Columbia Court of Appeals (DCCA) remanded a March 3, 2015, Compensation Review Board (“CRB”) decision that, in part affirmed an August 29, 2014 Compensation Order by an Administrative Law Judge (Joan E. Knight) in AHD No. 14-212, OWC No. 711952.

The remand centered on the finding that Claimant did not give Employer timely notice. Medical reports beginning in December 2011 stated Claimant’s job exacerbated his back problems. Claimant testified that it was not until a short time after a December 3, 2013 medical appointment that he stopped working. The ALJ held, and the CRB affirmed, that notice given on December 19, 2013 was not timely.

The DCCA reversed and remanded. The DCCA held that the ALJ’s and the CRB’s analysis was “incomplete” because neither considered whether Claimant knew or should have known earlier than when he gave notice on December 19, 2013 that his back injury was disabling.

Therefore, consistent with the remand instructions, we remand this matter to the Administrative Hearings Division for further consideration. The ALJ shall determine when the 30-day notice provision of D.C. Code § 32-1513 (a) began and whether the notice given by Claimant on December 19, 2011 notice was timely. In deciding that issue, the ALJ shall also consider *Blakney v. Marriott International*, CRB No. 14-037 (July 1, 2014) citing *King v. DOES*, 742 A.2d 460 (D.C. 1999) and *Railco v. Multi-Construction Co.*, 564 A. 2d 1167 (D.C.1989).

So ordered.