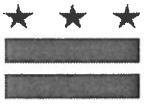
GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 13-113 (R)

VERNICE BOWLES,
Claimant,

v.

GENTLE TOUCH SENIOR CARE,
Self-Insured Employer.

On Remand from the District of Columbia Court of Appeals
DCCA No. 14-AA-561 (August 6, 2015)
AHD No. 09-187A, OWC No. 651454

DEPT. OF EMPLOYMENT SERVICES
COMPENSATION REVIEW BOARD
2015 AUG 31 AM 9 11

(Issued August 31, 2015)

REMAND ORDER

On August 29, 2013, an Administrative Law Judge ("ALJ") issued a Compensation Order in which Claimant was awarded 10% permanent partial disability to her right leg, due to a May 30, 2008 work-related injury. The Compensation Review Board ('CRB") issued a Decision and Order that affirmed the ALJ's CO on April 21, 2014.

Claimant appealed to the District of Columbia Court of Appeals ("DCCA"). In its August 6, 2015 opinion, the DCCA held that it was unable to affirm the CRB's decision that the CO was supported by substantial evidence because it contained an insufficient explanation of how the ALJ decided Claimant sustained a 10% permanent partial disability loss.

Moreover, because the ALJ did not properly explain her calculations, the DCCA further held that it was unable to decide whether the CRB correctly said it was harmless error for the ALJ to rely on the Fifth Edition of the AMA Guides to reduce the opinion of Dr. Phillips, who had reported Claimant sustained a 42% permanent partial disability.

The DCCA vacated the CRB's decision and remanded this matter to the CRB for further action consistent with its opinion. Since the DCCA's decision requires further action by an ALJ, we, in turn, remand this matter to the Administrative Hearings Division ("AHD").

Lastly, we should acknowledge the ALJ who issued the April 21, 2004, decision no longer is at AHD but now is an Administrative Appeals Judge at the CRB. That judge took no part in this

Order nor will she be assigned to this matter in the event that the CO issued in response to the DCCA's decision is appealed to the CRB.

This case is remanded to AHD for further action that is consistent with the DCCA's remand instructions.

So ordered.