

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 11-099

EVELYN M. LYLES,
v.

DISTRICT OF COLUMBIA DEPARTMENT OF MENTAL HEALTH,
Self-Insured Employer

Appeal from a Compensation Order on Remand issued by
Administrative Law Judge Heather C. Leslie
AHD PBL No. 09-070A, DCP No. 30090343260-0001

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2012 MAR 16 AM 11 53

Jason W. Shoemaker, Esquire, for the Claimant
Pamela L. Smith, Esquire, For the Self-Insured Employer

Before LAWRENCE D. TARR, JEFFREY P. RUSSELL¹, and MELISSA LIN JONES, *Administrative Appeals Judges*

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

**ORDER DENYING EMPLOYER'S MOTION TO STAY AUGUST 30, 2011
COMPENSATION ORDER ON REMAND**

This case is before the Compensation Review Board (CRB) on the October 12, 2011, Motion filed by the District of Columbia Department of Mental Health (Employer) pursuant to 7 DCMR §260 requesting the CRB stay the August 30, 2011, Compensation Order on Remand (COR).

7 DCMR § 260.3 provides that the CRB “shall only stay a compensation order on the grounds that the employer would suffer irreparable injury by complying with it.”

Upon careful consideration of the employer’s motion and the claimant’s response to the motion, said Motion is hereby DENIED because employer has not established it would suffer irreparable injury by complying with the COR. See, *Avans v. Potomac Job Corp.*, Dir. Dkt. No. 88-35; H&AS No. 87-596; OWC No. 0063818 (May 30, 1995) (financial irresponsibility of a claimant

¹ Judge Jeffrey P. Russell is appointed by the Director of DOES as a member of the Compensation Review Board pursuant to DOES Administrative Policy Issuance No. 11-02 (June 13, 2011).

to repay compensation paid to him or her pursuant to any order which may later be reversed is not sufficiently demonstrative of irreparable injury required for the stay of a Compensation Order).

FOR THE COMPENSATION REVIEW BOARD:

Lawrence D. Tarr
Lawrence D. Tarr
Administrative Appeals Judge

March 16, 2012
DATE

Lyles v. D.C. Department of Mental Health
CRB No. 11-099

CERTIFICATE OF SERVICE

I hereby that on March 16, 2012 the attached document was deposited in the U.S. mail, postage pre-paid, addressed as follows:

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Clerk, Compensation Review Board