DISTRICT OF COLUMBIA COURT OF APPEALS

No. 15-AA-832

MARRIOTT INTERNATIONAL, *et al.*, PETITIONERS,

v.

DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES, RESPONDENT,

and

BERNICE BLAKNEY, INTERVENOR.

On Petition for Review of an Order of the
Compensation Review Board of the District of Columbia
(CRB-41-15)

(Submitted June 17, 2016 Decided June 21, 2016)

Before FISHER and MCLEESE, *Associate Judges*, and STEADMAN, *Senior Judge*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Bernice Blakney (Claimant) suffered a knee injury while working as a housekeeper for Marriott International. The only issue presently in dispute is the determination by an administrative law judge (ALJ), affirmed by the Compensation Review Board (CRB), that her failure to give timely written notice of the injury was excused by the actual knowledge of Marriott. We affirm.

D.C. Code § 32-1513 (d) (2012 Repl.) provides that a failure to give timely written notice of a compensable injury is excused if "the employer . . . or the carrier had knowledge of the injury or death and its relationship to the employment and the Mayor determines that the employer or carrier has not been prejudiced by failure to give such notice." The employer or the carrier "must have *actual* knowledge of the injury and its relationship to the employment." *Howard Univ. Hosp. v. District of Columbia Dep't of Emp't Servs.*, 960 A.2d 603, 609 (D.C. 2008) (emphasis added). Here, the ALJ rejected the employer's claims of prejudice and lack of knowledge, citing Claimant's credited testimony:

> Claimant testified that in 2008 she began reporting her work injury, and the cumulative trauma and pain from the injury, to Lena in Employer's loss prevention office. Claimant also testified that from 2008 forward, she continued to report her bilateral knee pain and its work relatedness to Employer. This testimony is uncontested.

Claimant explained that reporting injuries to the employer's loss prevention office, as she did, was the employer's procedure for reporting workplace injuries. Claimant also testified that when the employer's agent expressed displeasure at her repeated reporting of her injury, she stated to the agent, "[I]t's not my fault that [my] job take[s] a toll on [my] bod[y] so much."

On the record here, the ALJ could reasonably conclude that the statutory exception to written notice applied in this case and the CRB could sustain that conclusion as "supported by the substantial evidence in the record and in accordance with the law."[1] Accordingly, the CRB's Decision and Order is

Affirmed.

ENTERED BY DIRECTION OF THE COURT:

JULIO A. CASTILLO
Clerk of the Court

[1] In any event, we have held that "claims for causally related medical expenses are not barred by the failure of the employee to give the notice required by D.C. Code § 32-1513 [(2012 Repl.)]." *Safeway Stores, Inc. v. District of Columbia Dep't of Emp't Servs.*, 832 A.2d 1267, 1271 (D.C. 2003). Because intervenor sought compensation only in the form of causally related medical expenses, even if we were to find that she failed to give proper notice pursuant to § 32-1513, she would still not be precluded from obtaining the compensation she sought and was awarded here.