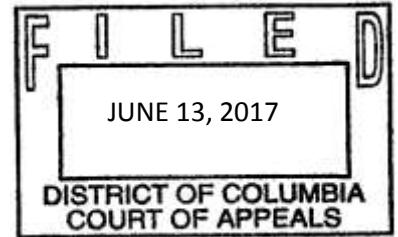


DISTRICT OF COLUMBIA COURT OF APPEALS

No. 16-AA-105

LAWRENCE BROOKS, PETITIONER,

v.



DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES, RESPONDENT,

and

IMPREGLIO, HEALY & PARSONS, J.V., INTERVENOR.

Petition for Review of a Decision of the District of Columbia Department of
Employment Services Compensation Review Board
(CRB-135-15)

(Submitted January 18, 2017)

Decided June 13, 2017

Before BLACKBURNE-RIGSBY, *Chief Judge*,* EASTERLY, *Associate Judge*,
and RUIZ, *Senior Judge*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Petitioner Lawrence Brooks appeals from the denial of temporary total disability (TTD) benefits, as well as causally related medical expenses and authorization for continued causally related medical expenses, for injuries related to a trip-and-fall he allegedly sustained at work in September 2014. After a hearing, the Administrative Law Judge (ALJ) determined that Mr. Brooks had “not sustain[ed] an accidental injury [that] arose out of and in the course of his employment” and denied his claims. Mr. Brooks, through counsel, sought review with the Compensation Review Board (CRB), alleging three errors: (i) it was improper for the ALJ to use Mr. Brooks’s testimony to invoke the presumption of

* Chief Judge Blackburn-Rigsby was an Associate Judge of the court at the time this case was submitted. Her status changed to Chief Judge on March 18, 2017.

compensability and then to later discredit that testimony; (ii) the ALJ failed to consider medical evidence from the treating physician; and (iii) the order was unsupported by substantial evidence. The CRB examined these arguments and concluded: (1) the ALJ properly employed the presumption of compensability and determined that the employer had rebutted it; (2) the ALJ had in fact considered medical evidence from the treating physician but had concluded that it lacked probative value because it was based largely on Mr. Brooks's "non-credible statements"; and (3) the ALJ's denial of an award was supported by substantial evidence. The CRB accordingly affirmed the ALJ's order.

On appeal to this court, Mr. Brooks, now proceeding pro se, submitted a brief that largely duplicates (with paragraphs rearranged) his counsel's memorandum to the CRB challenging the decision of the ALJ and that, as a result, is not responsive to the CRB order. On appeal, however, we review the CRB's decision to affirm the ALJ's order, not the ALJ's decision in the first instance. *See Georgetown Univ. Hosp. v. District of Columbia Dep't of Emp't Servs.*, 916 A.2d 149, 151 (D.C. 2007). Moreover, our review is deferential; our "task is to determine whether the CRB's decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *Hensley v. District of Columbia Dep't of Emp't Servs.*, 49 A.3d 1195, 1199 (D.C. 2012) (internal quotation marks omitted); *see also* D.C. Code § 2-510 (a)(3)(A) (2013 Repl.). Mr. Brooks has not explained how the CRB erred in its assessment of the challenges raised to the ALJ's decision. Moreover, we discern no deficiency in the CRB's review of the ALJ's decision and in light of the reasons set forth in the CRB's order, we cannot conclude that its order affirming the ALJ's decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

Accordingly, the order of the Compensation Review Board is

Affirmed.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

(No. 16-AA-105)

Copies to:

Jose L. Estrada, Esquire
Semmes, Bowen & Semmes
25 S. Charles Street
Suite 1400
Baltimore, MD 21201

Lawrence Brooks
1690 Green Manor Drive
Nanjemoy, MD 20662

Copies e-served to:

Todd S. Kim, Esquire
Solicitor General – DC

Tony D. Villeral, Esquire