

DISTRICT OF COLUMBIA,
DEPARTMENT OF EMPLOYMENT SERVICES

Director's Docket. No. 90-86

BETTY J. BANKS,
Claimant

v.

GREATER SOUTHEAST COMMUNITY HOSPITAL,
Self-Insured Employer

OWC No. 198514

September 29, 1995

Grace Rosner, Esquire, for the Claimant
Kevin J. O'Connell, Esquire, for the Self-Insured Employer.

PANEL: Joseph P. Yeldell, Director

OPINION: Appeal from the Compensation Order Issued by the Office of Workers' Compensation

DECISION OF THE DIRECTOR

I. Preliminary Statement

This proceeding arises out of a claim for workers' compensation benefits filed pursuant to the provisions of the District of Columbia Workers' Compensation Act of 1979, as amended, D.C. Law 3-77, D.C. Code, § 36-301 et seq. (1981 Edition, as amended) (hereinafter, the "Act").

The above captioned case is before the Director for review of a October 31, 1990 Compensation Order that granted claimant compensation benefits and causally related medical expenses.

II. Background

Claimant was employed as a operating room technician. On July 26, 1990 claimant left work complaining of a headache, blurred vision, and other stress related problems. On September 25, 1990 claimant went to an informal conference with the employer. On September 27, 1990 a memorandum was issued from the informal conference. The memorandum recommended the payment of compensation to claimant and [*2] causally related medical expenses. On October 4, 1990 employer sent a letter to the Office of Workers' Compensation rejecting and disagreeing with the recommendations of the Informal Conference Memorandum. On October 31, 1990 a Compensation Order was issued adopting the recommendations of the Informal Conference Memorandum. The employer never requested a formal hearing before this appeal.

The employer argues that since they objected to the Memorandum of the Informal Conference, they are entitled to formal hearing.

III. Discussion

The employer's argument is without merit because 7 *D.C.M.R.* § 219.22, clearly states:

"If no Agreement is reached on the office's recommendations, either party shall have twenty (20) working days to apply for a hearing. If no hearing is requested, the office shall issue compensation order."

This regulation provides both the employer and the claimant sufficient time to request a hearing if they disagree with the Informal Conference Memorandum. The Director states that the small burden placed on claimants and employers to request a hearing within 20 days is outweighed by the purposes of administrative convenience and the speedy resolution of [*3] claims. The Director also notes that if the employer could ask for a hearing at any time after an unfavorable Informal Conference Memorandum, they would have no incentive, and, in fact, a disincentive, to request a hearing. That outcome would frustrate the very purpose of having an informal conference, i.e. the speedy resolution of claims. Therefore, since the employer never requested a formal hearing until after the Compensation Order was issued, the Compensation Order is final.

After full consideration of all exceptions filed by employer and claimant's responses thereto, the Compensation Order is hereby affirmed.

IV. Disposition

Accordingly, for reasons set forth above, the Compensation Order of October 31, 1990, is hereby affirmed.