

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 11-137

ANTHONY L. BROWN,
Claimant–Respondent,

v.

WASHINGTON HOSPITAL CENTER and SEDGWICK CLAIMS MANAGEMENT,
Employer/Insurer–Petitioner.

OWC No. 603289

Michael J. Kitzman, Esquire, for Respondent
John C. Duncan, III, Esquire, for Petitioner

Before MELISSA LIN JONES, HEATHER C. LESLIE,¹ and JEFFREY P. RUSSELL,² *Administrative Appeals Judges.*

MELISSA LIN JONES, *Administrative Appeals Judge*, for the Compensation Review Board

DECISION AND DISMISSAL ORDER

JURISDICTION

Jurisdiction is conferred upon the Compensation Review Board (“CRB”) pursuant to D.C. Code §§32-1521.01 and 32-1522 (2004), 7 DCMR §230, and the Department of Employment Services Director’s Directive, Administrative Policy Issuance 05-01 (February 5, 2005).

FACTS OF RECORD AND PROCEDURAL HISTORY

On June 17, 2011, Lead Claims Examiner Selwyn Johnson conducted an informal conference on the issue of Mr. Anthony L. Brown’s entitlement to permanent partial disability benefits for a right arm injury. On July 7, 2011, Lead Claims Examiner Johnson issued a Memorandum of Informal Conference.

¹ Judge Leslie has been appointed by the Director of the Department of Employment Services as a temporary CRB member pursuant to Administrative Policy Issuance No. 11-02 (June 13, 2011).

² Judge Russell has been appointed by the Director of the Department of Employment Services as a temporary CRB member pursuant to Administrative Policy Issuance No. 11-01 (June 23, 2011).

Mr. Brown filed an Application for Formal Hearing on July 19, 2011. On August 16, 2011, Mr. Brown rejected the Memorandum of Informal Conference.

On October 28, 2011, Washington Hospital Center requested Lead Claims Examiner Johnson issue a Final Order. Lead Claims Examiner Johnson, in a letter dated November 2, 2011, refused to issue a Final Order because Mr. Brown had filed an Application for Formal Hearing.

Washington Hospital Center requested Lead Claims Examiner Johnson reconsider his position. On November 17, 2011, again in a letter, Lead Claims Examiner denied the request for reconsideration.

On appeal, Washington Hospital Center “seek[s] review and reversal of the November 2, 2011 [and the November 17, 2011] correspondence issued by OWC Lead Claims Examiner, Selwyn Johnson.”³ Washington Hospital Center requests the CRB direct Lead Claims Examiner Johnson issue a Final Order.

Mr. Brown asserts Lead Claims Examiner Johnson properly denied Washington Hospital Center’s requests for the issuance of a Final Order. Mr. Brown also asserts Washington Hospital Center is barred from filing this appeal.

ISSUE ON APPEAL

Does the CRB have jurisdiction to review this matter on appeal?

ANALYSIS

Pursuant to 7 DCMR §251.2, the authority of the CRB extends over appeals from compensation orders, final decisions, and orders granting or denying benefits issued by the Administrative Hearings Division or the Office of Workers’ Compensation.⁴ There has been no issuance of any compensation order, final decision, or order granting or denying benefits in this matter. As such, the CRB lacks jurisdiction to review this matter on appeal.

³ Petitioners’ Application for Review at unnumbered p. 1.

⁴ 7 DCMR §251.2 states

The authority of the Board is quasi-judicial in nature, involving the review and determination of appeals from compensation orders (including final decisions or orders granting or denying benefits) by the Administrative Hearings Division and/or the Office of Workers’ Compensation under the Public Sector and Private Sector Acts, consistent with statutory authority.

CONCLUSION AND ORDER

The matter hereby is DISMISSED.

FOR THE COMPENSATION REVIEW BOARD:

MELISSA LIN JONES
ADMINISTRATIVE APPEALS JUDGE

June 13, 2011

DATE