

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

CRB 12-114

ERIC T. DALY,
Claimant-Petitioner,

v.

R.J. REYNOLDS AND ACE ESIS,
Employer and Insurer-Respondents

Appeal from a Compensation Order on Remand by
Administrative Law Judge Anand K. Verma
AHD No. 10-193A, OWC 655062

Michael J. Kitzman, Esquire, for the Claimant
Anthony J. Zaccagnini, Esquire, for the Employer and Insurer

ORDER

This case is before the Compensation Review Board (CRB) on the Application for Review filed by the claimant, Eric T. Daly, requesting review of the June 28, 2012, Compensation Order on Remand (COR) issued by an Administrative Law Judge (ALJ) from the Hearings and Adjudication Section, Office of Hearings and Adjudication. In that COR, the ALJ denied the claimant's request to have the employer liable for continuing telephone therapy with Dr. Smothers.

The CRB has been advised that on August 1, 2012, the Office of Worker's Compensation approved a lump-sum settlement in which the claimant received \$65,000.00 in a lump sum in exchange for releasing the employer from all responsibility for the payment of future compensation and in which the employer agreed to pay the costs of all reasonable, necessary and causally related medical care and treatment incurred prior to August 1, 2012.

The lump sum agreement also stated that the agreement was made "with prejudice to the claimant's right to receive future, reasonable, necessary and causally related medical care and treatment." Therefore, there no longer is any case or controversy concerning the claimant's assertion that he is entitled to continuing treatment from Dr. Smothers.

Accordingly, the claimant's pending Application for Review is dismissed without prejudice.

IT IS SO ORDERED:

/s/ Lawrence D.

Tarr

LAWRENCE D. TARR
Administrative Appeals Judge

September 6, 2012
DATE