

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 15-066 (1)

**DANISHIA WHATLEY,
Claimant–Petitioner,**

v.

**SPECIALTY HOSPITAL OF WASHINGTON and PMA INSURANCE,
DEANWOOD REHABILITATION CENTER and CHARTIS CLAIMS, INC.,
Employers/Carriers–Respondents.**

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2015 SEP 24 PM 11 59

On Motion for Reconsideration of a September 10, 2015
Decision and Order Affirming a Compensation Order
by Administrative Law Judge Gregory P. Lambert
AHD No. 14-057, OWC Nos. 699915 and 706629

(Decided September 24, 2015)

Krista N. DeSmyter for Claimant
Joel E. Ogden for Employer Specialty Hospital of Washington
Douglas A. Datt for Employer Deanwood Rehabilitation Center ¹

Before JEFFREY P. RUSSELL, LINDA F. JORY, and HEATHER C. LESLIE, *Administrative Appeals Judges.*

JEFFREY P. RUSSELL for the Compensation Review Board.

DECISION AND REMAND ORDER ON RECONSIDERATION

FACTS OF RECORD AND PROCEDURAL HISTORY

Danishia Whatley (Claimant) injured her leg in a non-work related kickboxing accident in November 2011. An MRI taken following that injury revealed what the radiologist interpreted as a possible torn ACL in her left knee. Her knee was put in an immobilizer for approximately a month, and she missed some time from work from her then-employer, which was neither of the employers in this case.

¹ Mr. Datt replaced Jane Gerbes as counsel for Deanwood Rehabilitation Center by letter submitted September 16, 2015.

Claimant became employed as a Certified Nursing Assistant (CNA) by Specialty Hospital of Washington (Specialty) in 2012. Her average weekly wage was \$517.18.

A few months after obtaining that job, on January 5, 2013, Claimant slipped on water in a patient's room and fell on her back. She treated the following day and again on January 8, 2013 at Bowie Health Center. The records from these treatments make reference to "severe pain in her back" as well as pain in her right knee, and a history of chronic knee problems including "her knee giving out". She was referred to a Certified Nurse Practitioner for follow up care, and eventually came under the care of Dr. Leonid Selya, a spine specialist. Dr. Selya and his colleagues at Capital Orthopedics provided medical treatment. Although a left knee examination was performed during the course of her care, no treatment was rendered concerning the knee, and no restrictions on activity were ever imposed relating to the knee while Claimant was under Dr. Selya's care.

Claimant was seen and evaluated by Dr. Kevin Hanley on April 8, 2013, at the request of Specialty, for the purpose of an independent medical evaluation (IME), and he authored an IME report. In it, he observed that Claimant was found to have full range of motion and no swelling or effusion in the either knee. He opined Claimant had sustained a minor contusion to her left knee, that she should restrict her activities to 20 pounds of lifting, and refrain from bending, pushing or pulling. He further opined that Claimant's strength and reconditioning would be improved by a 3 week course of physical therapy. His report also suggests that an MRI would be required to determine if the knee condition represented anything more than a simple contusion and strain injury. However, he made no reference to the prior non-work related kickboxing injury or to the MRI that was taken in conjunction with that injury.

In a knee examination performed on January 31, 2013, Dr. Selya found a normal range of motion, and there are no additional references to Dr. Selya examining or treating the knee before release of Claimant from his further care on May 9, 2013.

Dr. Hanley authored an addendum to his IME report on May 24, 2013 without reviewing any additional medical records or further examining Claimant. In it he restated his view that if Claimant undergoes the recommended physical therapy her knee condition would resolve. Again, there was no reference to any prior knee injury sustained while kickboxing.

Claimant failed to show up for work on June 5, 6 and 7, 2013, and was terminated from employment.

Claimant started working as a CNA at Deanwood Rehabilitation Center (Deanwood) on June 10, 2013, earning an average weekly wage of \$440.00.

Two weeks later, while working at Deanwood on June 25, 2013, Claimant again slipped and fell on water, landing on her left knee. Claimant sought care for this injury at Concentra, where her injury was diagnosed as a contusion. She was advised to attend physical therapy but did not regularly attend due to child care issues. She was released to return work in a light duty capacity. After initially not returning to work, Claimant did, to a position in the laundry. Although the job

required a lot of standing, when she complained that standing caused problems with her knee, she was permitted to sit for breaks.

On July 22, 2013, the physician's assistant (PA) overseeing her care at Concentra concluded that Claimant's work-related contusion had resolved and that Claimant was no longer restricted in her activities due to the contusion. At that time, Claimant advised the PA that she was scheduled to see an orthopedist concerning surgery for the kickboxing injury, and the PA advised her to follow up on that.

Also during that month, Claimant began working for a new employer, Unique Residential Care (Unique), as a CNA. Although standing while performing her job gave her knee pain, sitting breaks were allowed for the job. This position paid \$10.50 per hour. Claimant left the job as a result of a death in the family, and although she was advised by Unique that she could return to the position, she chose not to do so.

During that month, on July 29, 2013, Claimant injured her low back in a non-work-related automobile accident, and obtained medical care from Dr. Selya at Bowie Health Center.

The following month, Claimant saw Dr. Stephen Webber, a member of the same practice group as Dr. Selya. Although she advised Dr. Webber that she had a suspected ligament tear in her left knee from the kickboxing incident, she also stated that she had slipped and fallen at work falling on her left knee, leading Dr. Webber to write "so this is a workers' compensation injury". CE 5. At that time he advised her to obtain rehabilitative therapy, for which approval would be awaited from the compensation carrier.

Thereafter Claimant obtained new employment as a cashier at Restaurant Depot. She held that job for approximately two months, but after an incident between herself and her supervisor, she was sent home and advised to wait for a call concerning when she could return to work. No call came.

On January 13, 2014, Dr. Hanley performed a second examination of Claimant, and was made aware at that time that Claimant had sustained the injury while employed at Deanwood on June 25, 2013. He authored a new IME report in which he wrote:

In talking with Ms. Whatley today and going over the medical records with her, she readily admits that it was the [Deanwood] injury of June 25, 2013 that has led to the current level of symptomatology in the knee she is having today. She agrees that she was not having significant knee problems at that [sic] time of that accident. Therefore one would have to assume that the [Specialty] incident of January 5, 2013 temporarily aggravated her preexisting condition [the torn ACL from kickboxing] that dates back to 2011 and that the temporary aggravation had resolved by the time she had the new accident on June 25, 2013. It would appear based on the examination today which exposes an effusion within the knee, that that incident which again has aggravated her underlying problem, has not yet resolved.

Claimant sought awards of additional medical treatment for her left knee and temporary total disability benefits from June 25, 2013 and ongoing and causally related medical care for her left knee at a formal hearing before Administrative Law Judge (ALJ) David L. Boddie on January 23, 2014.

While awaiting ALJ Boddie's decision, in the spring of 2014, Claimant began working as a communications assistant at Anne Arundel Medical Center (AAMC), in a full time sedentary job paying \$11.00 per hour. She left that position to focus on her studies.

During this time, Claimant also worked at Southern Maryland Hospital as an emergency registrar. This full time position, which paid \$14.00 per hour, required standing and walking, but also permitted sitting at times. Claimant left that job for the same reason that she left the AAMC job, to further her professional education.

In November and December 2014, Claimant entered and completed an externship at Concentra Urgent Care, performing venipuncture, pulmonary function tests, audiograms, EKGs, and other medical technical tasks. By the end of December 2014, Claimant completed the program and obtained the certificate.

Judge Boddie left the employ of the Department of Employment Services (DOES) without issuing a Compensation Order. The matter was re-assigned to ALJ Gregory P. Lambert. Claimant sought a new hearing rather than have Judge Lambert decide the case based solely upon the record created at the January 23, 2014 formal hearing. Therefore, a second formal hearing was held January 22, 2015 before Judge Lambert. At that time the claim for relief was amended to include temporary total disability from June 25, 2013 through July 4, 2013, and from July 19, 2013 to the present and continuing

On March 27, 2015, Judge Lambert (hereinafter, the ALJ) issued a Compensation Order (CO) denying the claims based upon his finding that there is no causal relationship between Claimant's ongoing knee complaints and either of the work injuries at issue in this case, and finding that Claimant was capable of returning to work at several jobs that she "was able to perform" which "demonstrated she suffered no wage loss" during the period claimed. The ALJ also determined that Deanwood is responsible for medical care related to Claimant's left knee contusion, but not for medical expenses related to the degenerative condition and ACL tear in the left knee. Compensation Order, p. 11.

Claimant filed an Application for Review (AFR) and a memorandum of points and authorities in support thereof (Claimant's Brief) seeking reversal of the CO and entry of an award of the claimed benefits. Claimant argues that the CO is unsupported by substantial evidence, and that the ALJ misapplied the law.

Both Specialty and Deanwood filed oppositions to the AFR and memoranda of points and authorities in support thereof (Specialty's Brief and Deanwood's Brief, respectively), arguing that the facts as found in the CO are supported by substantial evidence and are in accordance with law, and asked that the CO be affirmed.

On September 10, 2015, the Compensation Review Board (CRB) issued a Decision and Order affirming the CO.

On September 15, 2015, Claimant filed a Motion for Reconsideration, arguing that it was evident that the CRB did not have before it the full record when it considered the appeal, because in addressing Claimant's arguments based upon a medical report from Dr. Hanley, the Decision and Order stated that certain of the of Claimant's description of Dr. Hanley's reports was demonstrably inaccurate.²

Claimant's Motion for Reconsideration correctly points out the record the CRB reviewed when the initial Decision and Order issued did not include consideration of the IME report from Dr. Hanley dated January 13, 2014 which, while not being included in Claimant's hearing exhibits, was included and indexed as Specialty's Exhibit 1 in its second submission of exhibits for the second formal hearing in this case.

Accordingly, the Motion for Reconsideration is GRANTED, the Decision and Order of September 25, 2015 is VACATED, and this Decision and Order on Reconsideration is issued in its place.

ANALYSIS

The scope of review by the Compensation Review Board (CRB), as established by, D.C. Code §§ 32-1501, *et seq.*, (the Act) at § 32-1521.01(d)(2)(A) and as contained in the governing regulations is limited to making a determination as to whether the factual findings of the Compensation Order are based upon substantial evidence in the record, and whether the legal conclusions drawn from those facts are in accordance with applicable law. "Substantial evidence", as defined by the District of Columbia Court of Appeals, is such evidence as a reasonable person might accept to support a particular conclusion. *Marriott Int'l. v. DOES* 834 A.2d 882 (D.C. 2003). Consistent with this scope of review, the CRB is bound to uphold a Compensation Order that is supported by substantial evidence, even if there is also contained within the record under review substantial evidence to support a contrary conclusion, and even where the reviewing authority might have reached a contrary conclusion. *Marriott*, 834 A.2d at 885.

Claimant phrases her first objection in her Brief as "The [CO] Erred in concluding that [Claimant's] Left Knee Condition and need for Surgery is not Causally Related to a Work Injury". This complaint is expounded upon thus:

The [CO] erred as a matter of law in finding Ms. Whatley solely sustained a left knee contusion where the medical reports from Concentra diagnosed her with a sprain of the left knee as well and where Dr. Hanley opined that [Claimant's] left knee condition as of January 13, 2014 was the result of the aggravation of her preexisting knee condition due to the work injury of June 25, 2013. CE 4, Specialty EE 1 at 2."

² On September 16, 2015 counsel for all parties and the chair of this panel participated in a conference call, and both employer's consented to the motion.

Claimant's Brief, page 5.

The cited sources of the evidence underpinning the argument are the Concentra "Therapy Appointment" records (CE 4) and Dr. Hanley's third IME report, dated January 13, 2014, and quoted above at some length (Specialty EE 1, item 3, Report of Dr. Hanley, January 13, 2014 at 2).

As the first numbered subpart of this first stated argument, Claimant asserts "Ms. Whatley invoked the Presumption that her Disabling Condition is Causally Related to her Work Injury of January 5, 2013 with Specialty Hospital." Claimant's Brief, p. 6.

We note that this argument is not germane to the validity of the CO, because in the Discussion portion, under the section entitled "I. Specialty Hospital", the first sentence reads "Ms. Whatley presented adequate evidence to invoke the presumption of compensability". Thus, Claimant's argument represents a misunderstanding of the contents of the CO, and is rejected.

As the second numbered subpart of the first argument "Alternatively, the Evidence Presented Demonstrates a Presumed Connection between [Claimant's] Current Left Knee Condition and need for surgery and her Work Injury of June 25, 2013 with Deanwood, but the Compensation Order failed to apply the Presumption of Compensability to [Claimant's] left knee injuries." Claimant's Brief, p. 7. This is because, in Claimant's view, "Dr. Hanley opined that [Claimant's] complaints were due to an aggravation of preexisting conditions in her left knee, internal derangement with a possible ACL tear, that she sustained in her work injury of June 25, 2013 and that based on his examination which showed effusion in the knee, her problems from that aggravation had not resolved. Specialty EE 1."

Claimant also argues "[Claimant's] Left Knee Condition and Need for Arthroscopy is Causally related to the Work Injuries and the Compensation Order Erred in ignoring the Expert Medical Opinion of Dr. Hanley." Claimant's Brief, p. 8. She expounds further that:

The [CO] erred as a matter of law in ignoring the opinion of Dr. Hanley regarding the causal relationship of [Claimant's] current knee condition to the work injury of June 25, 2013 and erred as a matter of fact in stating, "no medical-causal relationship is reflected in the record evidence." CO at 9.

Dr. Kevin Hanley opined that [Claimant's] current knee condition is causally related by aggravation to her work injury of June 23, 2013 at Deanwood Rehabilitation and no longer to her injury at Specialty Hospital.

Claimant's Brief, p. 9.

Claimant's next argument, identified as "B", is that "The [CO] Erred as a Matter of Law in Forming its own Medical Opinions to Deny [Claimant's] Claim for Relief". Claimant then cites part of the CO as the offending language: "I conclude that the contusion to her left knee did not change or worsen her preexisting ACL tear." Claimant's Brief, p. 9.

This argument is underpinned by Claimant's assertion that these statements "are medical conclusions not stated by any medical expert in the record and are, in fact, contradicted by the opinion of Dr. Hanley". Claimant's Brief, p. 10.

In the CO the ALJ noted and cited the July 22, 2013 Concentra treatment notes to the effect that the contusion had resolved and Claimant was released from their care for the work-related injury. CO, p. 4; what remained after resolution were non-work related pre-existing ACL problems. Specifically, the July 10, 2013 note from her treating medical providers at Concentra contains the following statements:

Return to work on 7/12/2013 with the following restrictions No prolonged standing and/or walking more than 25 min/hr No squatting and/or kneeling

...

Remarks: MINIMIZE CLIMBING STAIRS. FOLLOW UP WITH AN ORTHOPEDIST FOR YOUR NON WORK RELATED MEDICAL ISSUE.

CE 4, at 73.

The only treating physician evidence that we have seen relating to causal relationship between Claimant's ongoing physical problems and either of Claimant's work injuries are from Dr. Selya, whose opinion is related to her back only, and does not mention the left (or right) knee (CE 3, at 68) and the deposition of Dr. Webber, --opinions the ALJ rejected for numerous, cogent reasons, none of which are attacked by Claimant in this appeal. *See* CO, p. 6. We set them forth as the ALJ laid them out:

Dr. Webber's conclusions are unreliable. He did not remember meeting Ms. Whatley. . CE 8 at 101 ("I don't have any independent recollection or memory of the patient..."); CE 8 at 128. He didn't recall whether he reviewed Dr. Selya's notes about Ms. Whatley. CE 8 at 101 -102, 128. At the time of his February 2014 deposition, he had no way of knowing Ms. Whatley's current condition. CE 8 at 120. Although Dr. Weber stated that Ms. Whatley's knee had given her more problems after the January fall, he did not know about her fall in June 2013. CE 8 at 99 ("[S]he indicated that she was having greater – greater symptoms and more frequent symptoms since January of 2013,"); CE 8 at 115 (notes do not reflect injury after January 2013); CE 5 at 81 ("She describes an injury a few years ago...[H]er knee symptoms were exacerbated by a fall which occurred in January."); CE 8 at 134 (Q. Did Ms. Whatley advise you anything about a new accident she had on June 25, 2013? A. Not that-I don't have any recollection of that."). Dr. Weber noted that he would have found the fall in June relevant to his opinions. CE 8 at 134. He had also not received any of the records documenting Ms. Whatley's care that followed her June accident. CE 5; CE 8. In fact Ms. Whatley even advised Dr. Webber that she had not received any care to her left knee prior to seeing him. CE 8 at 135; CE 5 at 83 (She denies any treatment to her knee thus far.") but see BHT at 66 – 67. Even so, Dr. Webber could not draw a medical causal relationship between Ms. Whatley's ACL tear and the January

accident. CE 8 at 116 (I don't think the condition of her – of her cruciate ligament was necessarily impacted by the fall of 2013 January. I'm – I can't say for sure.”).

CO pp. 6 – 7.

What we are left with is this question: where (1) the record contains an IME report from one party-employer in which a causal relationship opinion ascribing a condition to an injury sustained while employed by a second party-employer, (2) there is no opinion on the subject in the record from any treating physician, yet (3) there are treating physician assistant's notes ascribing the current condition to a prior non-work related condition, is it incumbent upon the ALJ to discuss the IME report and any reason there might be to reject it?

We have concluded that, in this case, it was error for the ALJ to fail to address the IME report of Dr. Hanley. Although the report was not offered by Claimant as an exhibit, it was referred to and relied upon by Claimant in closing argument, the ALJ made a factual finding that Dr. Hanley performed an IME that day, and it is the only opinion from a physician in the record who (1) addresses the question of causal relationship of the current knee condition to either injury and (2) had knowledge of and considered the effects and events surrounding both work injuries at issue and the pre-existing kickboxing injury.

The ALJ in this case specifically included Dr. Webber's ignorance of the second injury as a reason for rejecting his opinion. While we acknowledge that an ALJ is not required to inventory the evidence considered and describe each and every document or bit of testimony that was or was not accepted, we also must remember that a party is entitled to have each of its articulated and evidentially supported arguments considered. While Claimant didn't discuss this particular argument at length at the formal hearing, it is supported by evidence, and that evidence appears to be the only opinion in this record on this question expressed by a doctor with knowledge of both injuries. Accordingly, we must remand the matter for further consideration, with instructions that the ALJ address Dr. Hanley's opinion.

Claimant's remaining arguments concern the nature and extent of Claimant's disability, if any. Claimant argues that, because she has never been medically cleared to return to unrestricted duty as a CNA, she remains disabled. Claimant's Brief does not challenge any of facts found by the ALJ concerning the multiple returns to employment, the wages paid in those jobs, and non-injury related reasons that she ended each employment.

That is, she does not challenge the finding that Claimant returned to work in July 2013 at Unique as a CNA and that, while standing gave her knee pain, sitting breaks were allowed for the job, that the position paid \$10.50 per hour, that Claimant left the job as a result of a death in the family, and that although she was advised by Unique that she could return to the position, she chose not to do so.

Nor does Claimant challenge the ALJ's finding that Claimant obtained employment as a cashier at Restaurant Depot, that she held that job for approximately two months, that after “an incident” not otherwise described between herself and her supervisor she was sent home and advised to wait for a call concerning when she could return to work, and that no call came. In other words,

she does not challenge the finding that she was fired from this job and does not claim the termination was injury related.

Similarly, Claimant does not challenge the finding that in the spring of 2014, Claimant began working as a communications assistant at AAMC, in a full time sedentary job paying \$11.00 per hour, or that she left that position to focus on her studies and not due to any physical issues related to her claimed work injuries.

Nor does Claimant contest the findings that Claimant worked at Southern Maryland Hospital as an emergency registrar in “in the spring of 2014”, or that this full time position paid \$14.00 per hour (which is more than the stipulated average weekly wage for the position she held when she sustained the alleged injury at Deanwood). While the ALJ found that the job required standing and walking, he also found that it permitted sitting at times, and that Claimant left that job for the same reason as she left the AAMC job, to further her professional education.

In considering the nature and extent of the alleged disability, the ALJ wrote:

Ms. Whatley has proven capable of working in her pre-injury capacity and without wage loss. HT at 39) (She was able to perform her duties as required at Southern Maryland Hospital, Anne Arundel Medical Center, Restaurant Depot, and Unique Residential Care). She received \$11.00 an hour while working full-time at Deanwood Rehabilitation. DE 11. When she obtained a position at Unique Residential Care, she received \$10.50 an hour. BHT at 68. [³] She left that position of a death in the family, not her knee. BHT at 68. Later, she worked at Anne Arundel Medical Center for approximately \$11.00 an hour. HT at 26 – 29. [⁴] She left that full-time position to return to school, not because of pain to her left knee. HT at 28, 33. Next, she went to Southern Maryland Hospital, an employer that paid her fourteen dollars an hour, full time. HT at 30. While there, she was able to complete eight-hour shifts while standing. HT at 31. Again, she left that employer to return to school rather than because of an inability to do her work because of problems related to her left knee. HT at 31, 33. If Ms. Whatley had chosen to stay at either Anne Arundel Medical Center or Southern Maryland Hospital, she would have been allowed to do so. HT at 34. Ms. Whatley is now looking for a new job. HT at 38. She has had two interviews. HT at 38. If she is offered a position, she plans to accept it. HT at 38. She also has demonstrated the ability to earn wages in excess of her pre-injury average weekly wage. DE 11 [⁵]; HT 26 – 29, 30.

We reject Claimant’s suggestion that these jobs should not be considered evidence sufficient to establish Claimant’s employability, and reject the characterization that they are merely “odd jobs”. Claimant’s Brief, p. 12. All of them, except the cashier job, are in the same field as her jobs with Deanwood and Specialty, the health care field. At least one was in the same job classification, CNA. In other words, there is ample evidence that each of the subsequent

³ BHT refers to the transcript of proceedings conducted before Judge Boddie.

⁴ HT refers to the transcript of proceedings conducted before Judge Lambert.

⁵ DE refers to employer Deanwood’s exhibits.

employments were suitable alternative employment, hence the ALJ's conclusion that they represent employability is consistent with *Logan v. DOES*, 805 A.2d 237 (D.C. 2002).

Thus, on this record, Claimant returned to a position as a CNA at Specialty until June 4, 2013, failed to show up for work June 5, 6 and 7, 2013, and was fired for that reason. She became re-employed almost immediately on June 10, 2013 with Deanwood, in the same job category, CNA, where she continued to work until her second accident on June 25, 2013. The ALJ clearly viewed the job with Deanwood as suitable alternative employment, and there is nothing in this record to contradict that. Accordingly, Specialty is liable for no temporary total disability payments. Claimant only missed a maximum of two days employment from Specialty after returning to work from the first injury, and those days are not even included in the claim for relief. The denial of the claim against for temporary total disability against Specialty is supported by substantial evidence and is affirmed.

On July 22, 2013, the physician's assistant treating her Deanwood injury at Concentra concluded that Claimant's work-related contusion had resolved and that Claimant was no longer restricted in her activities due to the contusion. At that time, Claimant advised the physician's assistant that she was scheduled to see an orthopedist concerning surgery for the kickboxing injury, and the physician's assistant advised her to follow up on that.

Almost contemporaneously with this release, Claimant began working for a new employer, Unique as a CNA. This position paid \$10.50 per hour. Although not included in the CO, a 40 hour work week at that rate is \$420.00 per week, or \$20.00 per week less than her stipulated wage at Deanwood, two thirds of which is \$13.32. Claimant left the job as a result of a death in the family, and although she was advised by Unique that she could return to the position, she chose not to do so.

Thus, again, the ALJ considered the employment with Unique as suitable alternative employment which Claimant voluntarily abandoned for personal reasons, a finding unchallenged in this appeal. Accordingly, there was no possible entitlement to total disability benefits from and after the employment commenced with Unique.

While we are not making any findings of fact, we believe that the record appears to contain sufficient evidence for the ALJ to assess the degree of any ongoing temporary partial disability that Claimant may have suffered, taking into account the difference in wages Claimant could have earned had she returned to the job at Unique.

Assuming without finding that the AAMC job was full time, entitlement to any wage loss benefits would end, as a matter of law, upon the date Claimant commenced working at AAMC earning \$14.00 per hour, an amount in excess of her earnings at Deanwood. The CO does not contain a date for Claimant's commencement of that employment beyond it being "in the Spring of 2014."

Accordingly, if upon further consideration of the claim the ALJ ascertains that consideration of Dr. Hanley's third report changes the outcome with respect to causal relationship, a finding as to the amount of temporary partial disability owed for the period when Claimant commenced work

with Unique until she obtained employment with AAMC is required, including the specific dates as best the record can supply them.

CONCLUSION AND ORDER

The denial of any claim for temporary total disability benefits against Specialty is supported by substantial evidence and is affirmed. The failure to consider the contents of the medical reports of Dr. Hanley concerning possible aggravation of Claimant's pre-existing left knee condition was error. The matter is remanded for further consideration of Claimant's claim that the left knee condition was aggravated by the Deanwood accident, and if so, for a determination as to whether Claimant is entitled to temporary partial disability for the periods described above and the amount of such entitlement, if any, and given that there was no issue concerning the reasonableness and necessity of medical care, to grant the request therefor if causal relationship is found to be established.

So ordered.