

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Employment Services**  
**Labor Standards Bureau**

**Office of Hearings and Adjudication**  
**COMPENSATION REVIEW BOARD**



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**CRB (Dir.Dkt.) No. 05-42**

**JANICE L. DUNBAR,**

Claimant–Petitioner

v.

**D.C. PUBLIC LIBRARY,**

Self-Insured Employer–Respondent.

Appeal from a Compensation Order of  
Administrative Law Judge Robert R. Middleton  
OHA/AHD No. PBL 04-020, DCP No. M4-LIB003787

Janice L. Dunbar, Petitioner *pro se*

Frank J. McDougald, Jr., Esq., for Respondent

Before E. COOPER BROWN, *Chief Administrative Appeals Judge*, JEFFREY P. RUSSELL, *Administrative Appeals Judge* and SHARMAN J. MONROE, *Administrative Appeals Judge*.

E. COOPER BROWN, *Chief Administrative Appeals Judge*, for the Compensation Review Panel:

**DECISION AND ORDER**

JURISDICTION

Jurisdiction is conferred upon the Compensation Review Board pursuant to D.C. Official Code § 1-623.28, § 32-1521.01 and 32-1522 (2004), 7 DCMR § 118, and Department of Employment Services Director’s Directive, Administrative Policy Issuance No. 05-01 (February 5, 2005).<sup>1</sup>

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<sup>1</sup> Pursuant to Administrative Policy Issuance No. 05-01, dated February 5, 2005, the Director of the Department of Employment Services realigned the Office of Hearings and Adjudication to include, *inter alia*, establishment of the Compensation Review Board (CRB) in implementation of the District of Columbia Fiscal Year 2005 Budget Support Act of 2004, Title J, the District of Columbia Workers’ Compensation Administrative Reform and Anti-Fraud Amendment Act of 2004, *codified at* D.C. Official Code § 32-1521.01. In accordance with the Director’s Directive, the CRB replaces the Office of the Director in providing administrative appellate review and disposition of workers’ and disability compensation claims arising under the District of Columbia Workers’ Compensation Act of 1979, as amended, D.C. Code Ann. §§ 32-1501 to 32-1545 (2005), and the District of Columbia Government Comprehensive Merit Personnel Act of 1978, as amended, D.C. Code Ann. §§ 1-623.1 to 1-643.7 (2005), including

This appeal follows the issuance of a Compensation Order by an Administrative Law Judge (ALJ) in the Administrative Hearings Division (AHD) of the District of Columbia Department of Employment Services (DOES). The Compensation Order was based upon the testimony and evidence offered at a formal hearing held August 23, 2004. The ALJ denied Petitioner's claim for temporary total disability (TTD) from May 14, 2004 and continuing but approved Petitioner's entitlement to medical expenses in the amount of \$2,625.00 and \$1,775.00. Petitioner now seeks review of that portion of the Compensation Order denying her entitlement to TTD.

This case is now before the Compensation Review Board on Petitioner's appeal.

#### DISCUSSION

We have reviewed the record and find that the ALJ's factual findings are supported by substantial evidence on the record as a whole, and are therefore conclusive. *Marriott Int'l. v. Dist. of Columbia Dep't. of Employment Servs.*, 834 A.2d 882 (D.C. 2003); D.C. Government Comprehensive Merit Personnel Act of 1978, as amended, D.C. Official Code § 1-623.28(a). See also, D.C. Office Code § 32-1521.01(d)(2)(A). Furthermore, the record fully supports the ALJ's well-reasoned decision. For these reasons we adopt the ALJ's reasoning and legal analysis and we affirm the Compensation Order in all respects.

Specifically, the record supports the ALJ's determination that the opinions of the Respondent's independent medical examiners were sufficient to justify a change in Petitioner's physical condition. In addition, substantial evidence supports the ALJ's decision to accept the well-reasoned medical opinions of the Respondent's orthopedic specialists rather than the repetitious and less than persuasive medical reports of the Petitioner's treating physician.

In affirming the Compensation Order, which denies Petitioner's request for continuing TTD benefits and future medical care and treatment, it is noted that while Petitioner has also requested in her Petition for Review that her outstanding medical bills be paid, the Compensation Order directs the payment by Employer of outstanding medical expenses incurred by Petitioner in the amount of \$2,625.00 and \$1,775.00. Thus, there is no issue with respect thereto requiring disposition by the Board. Additionally, it is noted that that Petitioner's request for the award of attorney's fees is not properly before the Board, as the attorney's representation would have been before the Office of Hearings and Adjudication (now the Administrative Hearings Division), and thus such request must be made to that court.

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responsibility for administrative appeals filed prior to October 1, 2004, the effective date of the District of Columbia Workers' Compensation Administrative Reform and Anti-Fraud Amendment Act of 2004.

**ORDER**

The Final Compensation Order of October 29, 2004 is hereby AFFIRMED.

FOR THE COMPENSATION REVIEW BOARD:

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E. COOPER BROWN  
Chief Administrative Appeals Judge

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September 27, 2005  
DATE