

**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 No. 03-085**

**MARY FRANKLIN-KNIGHT,**

**Claimant–Petitioner**

**v.**

**GUEST SERVICES, INC. AND GUARANTY FUND MANAGEMENT SERVICES,**

**Employer/Carrier–Respondent**

Appeal from a Compensation Order of  
Administrative Law Judge Karen R. Calmeise  
OHA/AHD No. 02-449, OWC No. 545783

Matthew Peffer, Esquire, for the Petitioner

Sarah O. Rollman, Esquire, for the Respondent

Before E. COOPER BROWN, *Acting Chief Administrative Appeals Judge*, JEFFREY P. RUSSELL,  
*Administrative Appeals Judge* and FLOYD LEWIS, *Acting Administrative Appeals Judge*.

JEFFREY P. RUSSELL, *Administrative Appeals Judge*, for the Compensation Review Panel:

**DECISION AND ORDER**

Jurisdiction is conferred upon the Compensation Review Board pursuant to D.C. Official 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).<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 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.

This appeal follows the issuance of a Compensation Order from the Administrative Hearings Division (AHD) of the Office of Hearings and Adjudication (OHA) in the District of Columbia Department of Employment Services (DOES). In that Compensation Order, which followed a formal hearing conducted on November 5, 2002, and was filed on June 11, 2003, the Administrative Law Judge (ALJ) denied Petitioner's claim for payment of medical expenses for services provided by Dr. Raphael Lopez. Petitioner now seeks review of that Compensation Order.

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

The record has been reviewed and we 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. Workers' Compensation Act of 1979, as amended, D.C. Code Ann. §32-1501 to 32-1545 (2005), at §32-1521.01(d)(2)(A).

The record fully supports the ALJ's well reasoned decision, and we therefore adopt the reasoning and legal analysis expressed by the ALJ in that decision in affirming the Compensation Order in all respects.

Specifically, the record supports the ALJ's determination that Petitioner's treating or attending physician was Dr. James Grater and that Dr. Grater did not refer Petitioner to Dr. Lopez, nor did Petitioner seek approval of a change in physicians from the Office of Workers' Compensation (OWC), or obtain approval from Respondent, prior to obtaining the medical care from Dr. Lopez which is the subject of this claim.

Further, the record supports the ALJ's determination that Dr. Nelson Trujillo, the physician who made the referral to Dr. Lopez, was not an attending or treating physician for the work injury in this claim, having rendered no treatment identified in the record or identified in Petitioner's appeal.

Further, the Compensation Order is in accordance with the law to the effect that the former Office of Hearings and Adjudication (OHA), currently the Administrative Hearings Division (AHD) of OHA, does not have jurisdiction to entertain a request from a claimant to change physicians, with that authority vested solely in OWC, with appellate rights to this board, the CRB.

### ORDER

The Compensation Order of June 11, 2003 is hereby AFFIRMED.

FOR THE COMPENSATION REVIEW BOARD

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JEFFREY. P. RUSSELL  
Administrative Appeals Judge

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July 21, 2005  
DATE