

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA MARÍA MALLORY
DIRECTOR

CRB 13-022(1)

**ADESINA F. JAIYEOLA,
Claimant–Petitioner,**

v.

**DISTRICT OF COLUMBIA PUBLIC SERVICE COMMISSION,
Self-Insured Employer–Respondent.**

Appeal from a February 5, 2013 Compensation Order on Remand by
Administrative Law Judge Fred D. Carney, Jr.
OHA No. PBL 00-0058B, DCP No. LT2-DPE000340

Adesina F. Jaiyeola, *pro se*¹
Andrea G. Comentale, Esquire, for the Self-Insured Employer

Before: LAWRENCE D. TARR, *Chief Administrative Appeals Judge*. HENRY W. MCCOY and
JEFFREY P. RUSSELL, *Administrative Appeals Judges*.

LAWRENCE D. TARR, *Chief Administrative Appeals Judge*, for the Review Board.

ORDER DENYING MOTIONS FOR RECONSIDERATION AND FOR ORAL ARGUMENT

On July 26, 2013, the Compensation Review Board (CRB) issued a Decision and Order that affirmed the Administrative Law Judge's (ALJ) February 5, 2013, Compensation Order on Remand. On August 2, 2013, the claimant filed three documents; a Motion for Enlargement of Time to File Request for Reconsideration, a Motion for Reconsideration, and a Motion for an Oral Argument on Motion for Reconsideration.

The Motion for Reconsideration and the Motion for Oral Argument were timely filed so the motion for enlargement of time is not necessary and is dismissed. As to the other two motions, the CRB has carefully considered the matters raised in these motions and find no reason to reconsider this case or grant oral argument.

In his reconsideration motion, the claimant asked reconsideration of the CRB's finding that the employer had not issued a Final Determination on the claimant's request for reinstatement to his former position. The claimant points to the unsuccessful attempts by the employer to place him in light duty work as proof that the employer "has made its final determination on claimant's job reinstatement."

¹ Harold L. Levi, Esquire previously represented the claimant.

However, the issue of reinstatement under now repealed D.C. Code §1-624-45 relates to “regular full-time employment” not light duty. There was no evidence presented that the employer issued a Final Determination with respect to the claimant’s desire for reinstatement to his former regular full-time position.

The claimant also seeks reconsideration of the CRB’s determination with respect to whether his bankruptcy eliminates his obligation to repay the employer from the recovery that he received from his third-party lawsuit. The claimant correctly points out the CRB failed to see that this employer was one of listed creditors in his bankruptcy filing.

This oversight does not change the reason why the CRB did not rule in his favor on this issue. The CRB is not the appropriate forum to decide whether the claimant’s bankruptcy discharged his responsibility to repay the employer pursuant to D.C. Code § 1-623.32.

For these reasons, the claimant’s Motion for Reconsideration is denied, as is his request for oral argument and request for extension of time.

FOR THE COMPENSATION REVIEW BOARD:

LAWRENCE D. TARR
Chief, Administrative Appeals Judge

August 9, 2013
DATE