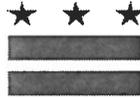


GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 14-094 (R)

MARTA ECHEVERRIA,
Claimant,
v.

RITZ-CARLTON HOTEL AND MARRIOTT CORPORATION,
Self-Insured Employer.

On Remand from the from the District of Columbia Court of Appeals
DCCA No. 15-AA-320 (March 3, 2016)

Appeal from a June 30, 2014 Compensation Order by
Administrative Law Judge Linda F. Jory
AHD No. 02-005C, OWC No. 517977

(Issued March 23, 2016)

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

ORDER ON REMAND

This case is before the Compensation Review Board (“CRB”) on the March 3, 2016 Memorandum Opinion and Judgment issued by the District of Columbia Court of Appeals (“DCCA”). That decision followed a 2013 remand that affirmed a CRB decision reversing the ruling of an administrative law judge (“ALJ”) regarding the permanent partial disability benefits awarded the claimant.

The earlier remand had instructed the CRB to further remand this case to the ALJ for a hearing and for a specific award. The ALJ issued her decision, the CRB affirmed, and the DCCA disagreed.

The DCCA noted that the ALJ had made a mathematical error in determining the percentage to adjust Claimant’s 1997 average weekly wage to its 2004 amount (calculating the adjustment was 17.6% when it should have been 17.8%).

The DCCA further held that the ALJ had made a substantive mistake - applying the adjustment to a combination of Claimant’s full-time and part-time employment when the evidence showed the value of part-time and full-time employment do not change at the same rate.

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The DCCA held:

Therefore, we conclude that the CRB failed to recognize that the ALJ's decision on remand, as to this material issue, was not based on substantial evidence because the ALJ's decision makes no distinction between the value of full-time and part-time wages.

Accordingly, we are constrained to conclude that the CRB abused its discretion by affirming the compensation award on remand. Hence, we remand this case so that the CRB may ask the ALJ to clarify her alternative method of calculating Ms. Echeverria's "permanent partial disability rate effective June 4, 2004."

Therefore, this case is remanded to the Administrative Hearings Division for further consideration consistent with the DCCA's remand instructions.¹

So ordered.

¹ The ALJ that issued the Compensation Order that is the subject of this remand, Judge Jory, has been promoted to the CRB. Judge Jory took no part in the CRB's decision in this matter and will not take part in the CRB's review should an order on this remand be appealed to the CRB.