

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA MARÍA MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 12-194

COLICCHIO PROCTOR,
Claimant–Respondent,

v.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS,
Employer–Petitioner.

In Re: Motion for Clarification or Modification of Decision and Order
and Claimant-Petitioner’s Fee Petition

AHD No. PBL 06-105A, DCP No. 760002-0001-1999-0023

Andrea Comentale, Esquire, for the Petitioner
Harold L. Levi, Esquire, for the Respondent

Before JEFFREY P. RUSSELL, HEATHER C. LESLIE, *Administrative Appeals Judges*, LAWRENCE D.
TARR, *Chief Administrative Appeals Judges*.

JEFFREY P. RUSSELL, for the Compensation Review Panel:

**ORDER DISMISSING MOTION FOR CLARIFICATION AND RECONSIDERATION
AND DISMISSING FEE PETITION**

BACKGROUND

On May 14, 2013, the Compensation Review Board (CRB) issued a Decision and Order affirming a Compensation Order issued by and Administrative Law Judge in the hearings section of the Department of Employment Services (DOES). On May 17, 2013, Colicchio Proctor (Claimant) filed a fee application seeking an award of an attorney’s fee in the amount of \$2,640.00, to be assessed against the District of Columbia Public Schools (Employer). On May 28, 2013, Employer filed a Motion for Clarification and Reconsideration of the May 14, 2013 Decision and Order. On June 5, 2013, Claimant filed an Opposition to the Motion for Clarification. On June 7, 2013, Employer filed with the CRB¹ a Request for Extension of Time, *Nunc Pro Tunc*, to Respond to the fee petition, along with an opposition to the fee petition. On June 17, 2013, the CRB received a copy of the Petition for Review (PFR) of the May 14, 2013 Decision and Order affirming the Compensation

¹ Claimant avers that her counsel did not receive a copy until June 17, 2013, and that it was not mailed until June 14, 2013.

Order issued by the ALJ that was filed by the Employer with the District of Columbia Court of Appeals (DCCA). On June 19, 2013, Claimant filed an Opposition to the Request for Extension of Time and Reply to the Opposition.

In light of the fact that the Decision and Order has been appealed to the DCCA, the Fee Petition is premature, rendering the Motion for Extension of Time, the Opposition to the Fee Petition, the Opposition to the Motion for Extension of Time and the Reply thereto moot.

Accordingly, the Fee Petition, the Motion for Extension of Time, the Opposition to the Fee Petition, the Opposition to the Motion for Extension of Time and the Reply thereto are all dismissed without prejudice to the fee petition being re-filed within 90 days of the claim for benefits becoming final and the time for appeals has been exhausted, pursuant to 7 DCMR § 269.2.

FOR THE COMPENSATION REVIEW BOARD:

JEFFREY P. RUSSELL
Administrative Appeals Judge

June 20, 2013
DATE