

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



F. THOMAS LUPARELLO
INTERIM DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 14-001(1)

**ATIBA SHROPSHIRE,
Claimant-Respondent,**

v.

**D.C. WATER AND SEWER AUTHORITY
and PMA MANAGEMENT CORPORATION,
Employer/Carrier-Petitioner.**

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2014 APR 22 PM 12 03

Appeal from a December 4, 2013 Compensation Order by
Administrative Law Judge Leslie A. Meek
AHD No. 13-161, OWC No. 695623

David Snyder, for the Respondent
Douglas A. Datt, for the Petitioner

Before: HENRY W. MCCOY, JEFFREY P. RUSSELL, and HEATHER C. LESLIE, *Administrative Appeals Judges.*

HENRY W. MCCOY, for the Compensation Review Board.

**DECISION AND REMAND ORDER
(Errata)**

On April 1, 2014, a Decision and Remand Order was issued in the instant matter. On April 4, 2014, Employer filed a Motion for Clarification for the stated reason that the Compensation Review Board's (CRB) discussion and decision on the issue of medical causal relationship was inconsistent with the language of the Conclusion and Order. A review of the Decision and Remand Order has determined that the noted inconsistency exists and is hereby corrected.

On the issue of medical causal relationship, the CRB reasoned and made the following determination:

As Dr. Dorin has presented an opinion that is specific and comprehensive enough to sever the potential connection between the work injury and the current disabling condition, it was error for the ALJ to find otherwise. This matter will be return for the ALJ to weigh the medical evidence without the benefit of the presumption in order to determine whether Claimant has proven medical causal relationship by a preponderance of the evidence.¹

The CRB went on to conclude and order:

CONCLUSION AND ORDER

The ALJ's determinations that Claimant's current bilateral wrist condition is medically causally related to the work incident on August 21, 2012 and that he was disabled from performing his pre-injury job from the date of injury to the present and continuing is not supported by substantial evidence in the record and is AFFIRMED. The ALJ's determination that Employer did not timely controvert Claimant's claim is not supported by substantial evidence and is not in accordance with the law and is REVERSED and REMANDED. Accordingly, the December 4, 2013 Compensation Order is AFFIRMED IN PART and REMANDED IN PART for further consideration consistent with the above discussion.²

As the "Conclusion and Order" in the April 1, 2014 Decision and Remand did not properly follow the decision made on the issue of medical causal relationship, it is hereby corrected to read:

¹ *Shropshire v. D.C. Water and Sewer Authority*, CRB No. 14-001 (April 1, 2014), p. 5.

² *Id.*, p. 8.

CONCLUSION AND ORDER

The ALJ's determination that Claimant was disabled from performing his pre-injury job from the date of injury to the present and continuing is supported by substantial evidence in the record and is AFFIRMED. The ALJ's determinations that Claimant's current bilateral wrist condition is medically causally related to the work incident on August 21, 2012 and that Employer did not timely controvert Claimant's claim are not supported by substantial evidence and are not in accordance with the law and are REVERSED and REMANDED. Accordingly, the December 4, 2013 Compensation Order is AFFIRMED IN PART and REMANDED IN PART for further consideration consistent with the above discussion.

FOR THE COMPENSATION REVIEW BOARD:


HENRY W. MCCOY
Administrative Appeals Judge

April 22, 2014
DATE