

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. 05-22

ADRIAN SMITH,

Claimant–Respondent

v.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY,

Self-Insured Employer–Petitioner

Appeal from a Compensation Order of
Administrative Law Judge Amelia G. Govan
AHD No. 03-359, OWC No. 574437

Douglas A. Datt, Esquire, for the Petitioner

Harold L. Levi, Esquire, for the Respondent

Before E. COOPER BROWN, *Acting Chief Administrative Appeals Judge*, JEFFREY P. RUSSELL, and
LINDA F. JORY, *Administrative Appeals Judges*.

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

DECISION AND ORDER

JURISDICTION

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).¹

¹ 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

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 August 1, 2003 and which was filed on July 6, 2004, the Administrative Law Judge (ALJ) found that Respondent had sustained an accidental injury arising out of and occurring in the course of his employment with Petitioner, which injury resulted in Respondent's incurring medical expenses and becoming temporarily totally disabled for the period October 19, 2001 through January 2, 2002. The ALJ denied an additional claim for bad faith penalties pursuant to D.C. Code Ann. § 32-1528.

This case is now before the Compensation Review Board on Petitioner's appeal of the findings concerning the accidental injury, its relationship to Respondent's employment with Petitioner, and the medical care and temporary total disability benefits awarded.

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). We defer to and accept the ALJ's credibility determinations as well. *See, Mohamed Nasser v. Moran Limousine Services*, Dir. Dkt. No. 91-80, H&AS No. 90-818 (September 9, 1992). The record fully supports the ALJ's thorough, 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.²

ORDER

The Compensation Order of July 6, 2004 is hereby AFFIRMED.

FOR THE COMPENSATION REVIEW BOARD

JEFFREY. P. RUSSELL
Administrative Appeals Judge

June 30, 2005
DATE

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.

² 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)(B) requires a more detailed and thorough written order than the instant Decision and Order where there is a reversal of the Compensation Order.