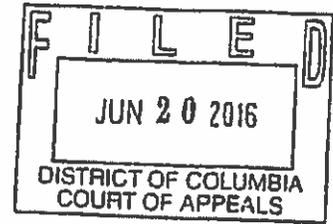


District of Columbia
Court of Appeals



No. 15-AA-226

SPECIAL SWANSON,

Petitioner,

2014 CRB 104

v.

DISTRICT OF COLUMBIA DEPARTMENT
OF EMPLOYMENT SERVICES,

Respondent.

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD
2016 JUN 23 PM 3 21

BEFORE: Fisher and Thompson, Associate Judges, and Farrell, Senior Judge.

J U D G M E N T

On consideration of respondent's motion for summary affirmance; the opposition thereto; petitioner's brief and appendix; and the record on appeal, it is

ORDERED that the motion for summary affirmance is granted. *See Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). Although the administrative law judge's decision might have been written with greater clarity (*Ross v. District of Columbia Dep't of Employment Servs.*, 125 A.3d 698 (D.C. 2015) ("*Mahoney's* [burden-shifting] framework, which places the initial burden of production on the agency-employer [seeking to terminate workers' compensation benefits], and then shifts it to the claimant while keeping the burden of persuasion *at all times* with the agency-employer, is . . . reasonable.") (emphasis added), *aff'g Mahoney v. District of Columbia Pub. Schs.*, CRB No. 14-67 (Nov. 12, 2014)), the administrative law judge weighed each party's evidence in turn and found the movant agency met its ultimate burden of persuasion by a preponderance of the evidence such that termination of petitioner's benefits was proper, and therefore the decision of the Compensation Review Board affirming the same is supported by substantial evidence in the record and in accordance with law. D.C. Code § 2-510 (a)(3) (2012 Repl.); *Bowles v. District of Columbia Dep't of Emp't Servs.*, 121 A.3d 1264, 1269 (D.C. 2015) (setting forth standard of review of a Compensation Review Board order); *see also Wash. Metro. Area Transit Auth. v. District of Columbia Dep't of Emp't Servs.*, 992 A.2d 1276,

No. 15-AA-226

1282-83 (D.C. 2010) (noting in review of termination of workers' compensation benefits, this court can avoid remand upon a legal determination the evidence compels a determination that movant met its applicable burden of proof). It is

FURTHER ORDERED and ADJUDGED that the order on appeal be, and hereby is, affirmed.

ENTERED BY DIRECTION OF THE COURT:


JULIO A. CASTILLO
Clerk of the Court

Copies to:

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