

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Employment Services**

**VINCENT C. GRAY**  
**MAYOR**



**LISA M. MALLORY**  
**DIRECTOR**

**CRB No. 12-005**

**FRANKLYN BAKER,**

**Claimant–Petitioner,**

**v.**

**BERKEL & COMPANY CONTRACTORS AND ZURICH AMERICAN INSURANCE COMPANY,**

**Employer and Insurer–Respondent.**

Richard W. Galiher, Jr., Esquire, for the Petitioner

Mark Bertram, Esquire, for the Respondent

Before JEFFREY P. RUSSELL,<sup>1</sup> LAWRENCE D. TARR, AND HENRY W. MCCOY, *Administrative Appeals Judges*.

JEFFREY P. RUSSELL, for the Compensation Review Board.

**ORDER DENYING MOTION FOR RECONSIDERATION**

On March 6, 2012, this panel issued a Decision and Order affirming the denial of Petitioner’s fee petition which sought an assessment of an attorney’s fee against the Respondent in connection with work performed before the Office of Workers’ Compensation (OWC). On March 12, 2012, Petitioner filed a Motion for Reconsideration of that Decision and Order. In it, Petitioner reiterates points previously argued in the appeal concerning certain printouts provided by Respondent to the Claims Examiner (CE), raises new arguments not previously argued including that his position in this case will soon be law after the District of Columbia Court of Appeals (DCCA) rules in a pending appeal, that the Decision and Order did not refer to certain documents that are contained within the OWC file which he contends support his position (being a Notice of Controversion), and that “there is no date of record which were at issue at the Informal Conference after January 4, 2010 were reinstated”.

We are not persuaded by these new arguments that the rationale and reasoning, as well as the legal analysis, contained in the March 6, 2012 Decision and Order are incorrect, nor are we persuaded

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<sup>1</sup> Judge Russell was appointed by the Director of DOES as an Interim Board Member pursuant to DOES Administrative Policy Issuance Nos. 11-02 (June 23, 2011).

that the possibility that the DCCA may issue a decision in the future that renders the Decision and Order contrary to law as of the date the DCCA issues it, justify reconsideration of the Decision and Order.

**ORDER**

The Motion for Reconsideration is denied.

FOR THE COMPENSATION REVIEW BOARD:

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JEFFREY P. RUSSELL  
Administrative Appeals Judge

March 20, 2012  
DATE