

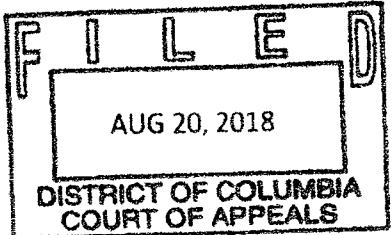
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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 17-AA-956

SAUNDRA TAYLOR, PETITIONER,

v.



DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES, RESPONDENT.

On Petition for Review of an Order of the
District of Columbia Department of Employment Services
Compensation Review Board
(CRB-66-17)

(Submitted June 14, 2018)

Decided August 20, 2018)

Before EASTERLY and MCLEESE, *Associate Judges*, and FARRELL, *Senior Judge*.

MEMORANDUM OPINION AND JUDGMENT

PER CURIAM: Petitioner Saundra Taylor challenges an order denying her request that the Compensation Review Board (CRB) reopen Ms. Taylor's previously denied claim for workers' compensation benefits. We affirm.

Ms. Taylor filed a claim for workers' compensation relating to a 2001 injury. Her claim was denied in 2005, and in 2008 this court affirmed the denial of her claim. In 2014, Ms. Taylor sought to reopen her claim, alleging both a change in conditions and fraud in the original administrative proceeding. The CRB denied relief, and this court affirmed. *Taylor v. District of Columbia Dep't of Emp't Servs.*, Nos. 14-AA-1253 & 15-AA-593, Mem. Op. (D.C. Sept. 29, 2016).

In April 2017, Ms. Taylor once again sought to reopen her previously denied claim, again seeking leave to introduce additional evidence and again alleging fraud. An administrative law judge (ALJ) denied the request to reopen, concluding that Ms. Taylor was attempting to relitigate previously decided issues, had failed to support her claim of fraud, and did not establish a basis for reopening the record. The CRB affirmed, agreeing with the conclusions of the ALJ.

EXHIBIT
APP. A

Ms. Taylor seeks review of the ruling of the CRB. We agree with the CRB, however, that Ms. Taylor seeks either (1) to relitigate issues that have previously been decided by the CRB and this court or (2) to rely on information that could have been presented earlier and thus provides no basis for reopening Ms. Taylor's claim. *See* 7 DCMR § 264.1 (2018) (party seeking to introduce additional evidence after decision of ALJ must establish that "that there existed reasonable grounds for the failure to present the evidence" to ALJ).

We therefore affirm the order of the CRB.

So ordered.

ENTERED BY DIRECTION OF THE COURT:



Julio A. CASTILLO
Clerk of the Court

Copies to:

Timothy Fitzpatrick
Compensation Review Board
4058 Minnesota Avenue, NE
Suite 4005
Washington, DC 20019

Copies e-served to:

Loren L. AliKhan, Esquire
Solicitor General – DC

Stacy L. Anderson, Esquire

Saundra Taylor

FEB 07 2019

**District of Columbia
Court of Appeals**

No. 17-AA-956

SAUNDRA TAYLOR.

Petitioner,

v.

CRB66-17

D.C. DEPARTMENT OF
EMPLOYMENT SERVICES
(WORKER'S COMPENSATION),

Respondent.

BEFORE: Blackburne-Rigsby, Chief Judge; Glickman, Fisher, Thompson,
Beckwith, Easterly,* and McLeese,* Associate Judges, and Washington,**
Senior Judge.

ORDER

On consideration of petitioner's petition for rehearing or rehearing *en banc*, petitioner's four motions for leave to file the lodged amended petitions for rehearing or rehearing *en banc*, and petitioner's motion to vacate the void order of the District of Columbia Court of Appeals and Compensation Review Board, it is

ORDERED that petitioner's fourth motion for leave to file the lodged amended petition for rehearing or rehearing *en banc* is granted, and the Clerk shall file petitioner's fourth amended petition for rehearing or rehearing *en banc*. It is

FURTHER ORDERED that petitioner's remaining motions for leave to file the lodged amended petitions for rehearing or rehearing *en banc* are denied as moot. It is

FURTHER ORDERED that petitioner's motion to vacate the void order of the District of Columbia Court of Appeals and Compensation Review Board is denied. It is

FURTHER ORDERED by the merits division* that the petition for rehearing is denied; and it appearing that no judge of this court has called for a vote on the petition for rehearing *en banc*. It is

FURTHER ORDERED that the petition for rehearing *en banc* is denied.

PER CURIAM

** Judge Washington replaced Judge Farrell on this panel following Judge Farrell's retirement.

EXHIBIT
App. B

No. 17-AA-956

Copies e-served to:

Saundra Taylor

Loren L. AliKhan, Esquire
Solicitor General for DC

Copy to:

Timothy Fitzpatrick
Compensation Review Board
4058 Minnesota Avenue, NE
Suite 4005
Washington, DC 20019

bep/pii

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



ODIE DONALD II
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 17-066

SAUNDRA TAYLOR,
Claimant-Petitioner,

v.

VERIZON COMMUNICATIONS, INC.,
Self-Insured Employer/Respondent.

Appeal from a June 1, 2017 Order Dismissing Motion for Reopening of Evidentiary Hearing,
Motion for Leave to Adduce Additional Evidence, and Motion to Set Aside/Vacate
Compensation Order Dated August 6, 2010 and CRB's Decision and Order of January 14, 2011
issued by Administrative Law Judge Donna J. Henderson
AHD No. 03-216G, OWC 571165

(Decided August 18, 2017)

Curtis B. Hane for Employer
Saundra Taylor, *pro se* Claimant

Before JEFFREY P. RUSSELL, and GENNET PURCELL, *Administrative Appeals Judges* and
LAWRENCE D. TARR, *Chief Administrative Appeals Judge*.

JEFFREY P. RUSSELL, for the Compensation Review Board.

DECISION AND ORDER

FACTS OF RECORD AND PROCEDURAL HISTORY

Claimant Saundra Taylor ("Claimant") filed an Application for Review with the Compensation Review Board ("CRB") on June 23, 2017 challenging an "Order Dismissing Motion for Reopening of Evidentiary Hearing, Motion for Leave to Adduce Additional Evidence, and Motion to Set Aside/Vacate Compensation Order Dated August 6, 2010 And CRB's Decision and Order of January 14, 2011 issued on June 1, 2017" ("Order") issued by an Administrative Law Judge within the Department of Employment Services Administrative Hearings Division ("AHD").

On July 27, 2017, the CRB issued a Notice of Assignment to a Review Panel for consideration and disposition of this appeal. On August 11, 2017, the CRB issued a Notice of Re-Assignment

to a Compensation Review Board Panel due to the recusal of a Review Panel member who represented Claimant before the AHD and in a prior appeal to the CRB.

On August 15, 2017, Claimant notified the CRB by email of her disagreement with the Review Panel re-assignment, stating “since there is no conflict of interest for [the A]ALJ ... to recuse herself I disagree with the recusal”.

Neither party has filed any formal objection to the August 11, 2017 Panel Re-Assignment. To the extent that Claimant’s August 15, 2017 email may be considered a motion to re-consider the August 11, 2017 Re-Assignment, that motion is denied.

Inasmuch as the CRB is adopting the Order under review, we need not repeat the procedural history, and hereby adopt the contents of the Order.

ANALYSIS

Pertinent to this Decision and Order are the following regulations:

DCMR § 7-267. DECISION OF THE REVIEW PANEL.

267.1 The designated Review Panel shall dispose of the matter under review, utilizing the standards of review contained in section 266 of this Chapter, by issuing a decision:

- (a) affirming the compensation order or final decision;
- (b) reversing it in whole or in part;
- (c) amending the compensation order or final decision based on the Review Panel's findings; or
- (d) remanding the case to the issuing Administrative Law Judge or claims examiner for further action as is warranted including, *inter alia*, further hearing and evidentiary development, additional findings of fact or conclusions of law, and the issuance of a new compensation order on remand.

* * *

267.3 In appropriate cases, such as where the issues raised on appeal have been thoroughly discussed and disposed of in prior cases by the Board or the courts, or where the findings of fact and conclusions of law are both correct and adequately discussed in the compensation order under review, the Board in its discretion may issue a brief, summary written decision disposing of the appeal and/or adopting the compensation order under review.

267.4 In cases which cannot be disposed of in a summary manner, the Review Panel shall issue a written order which shall fully discuss the legal and factual basis for the decision.

The lengthy history of this case presents an appropriate situation to employ 7 DCMR § 267.3.

Claimant's complaints on appeal can be summarized as follows: the ALJ and the CRB are wrong. She raises no new substantive arguments that we can discern that have not been fully litigated.¹

The Order under review fully and adequately addresses all relevant and necessary matters. The *Snipes* review referenced therein has been cancelled at Claimant's request.

We affirm the Order under review and fully adopt it as our own.

CONCLUSION AND ORDER

The Order of Dismissing the Motion for Reopening of Evidentiary Hearing, Motion for Leave to Adduce Additional Evidence, and Motion to Set Aside/Vacate Compensation Order Dated August 6, 2010 and CRB's Decision and Order of January 14, 2011 is neither arbitrary, capricious, an abuse of discretion, or not in accordance with the law. It is SUMMARILY AFFIRMED AND ADOPTED by the Compensation Review Board as the Decision and Order herein.

So ordered.

¹ See e.g. *Taylor v. Verizon Communications, Inc.*, CRB No. 10-063 (January 14, 2011) affirming a Compensation Order issued by ALJ Knight on October 1, 2009, dismissed, *Taylor v. DOES, et al.*, No. 11-AA-1019 (D.C. October 26, 2011); *Taylor v. Verizon Communications, Inc.*, CRB No. 14-075 (October 30, 2014), affirming a Compensation Order on Remand issued by ALJ Meek on May 19, 2014 and denying motion to vacate order issued by ALJ Knight on August 6, 2010, *aff'd*, *Taylor v. DOES, et al.*, No. 14-AA-1253 Mem., Op. & J. (D.C. September 29, 2016), *cert. denied*, 137 S. Ct. 1226 (2017); *Taylor v. Verizon Communications, Inc.*, CRB No. 14-075 (1) (April 28, 2015), denying Claimant's motion to supplement the record, *aff'd* *Taylor v. DOES*, No. 14-AA-1253 Mem., Op. & J. (D.C. September 29, 2016), *cert. denied*, 137 S. Ct. 1226 (2017);

TAYLOR v. VERIZON COMMUNICATIONS, INC.
CRB No. 17-066

CERTIFICATE OF SERVICE

I certify that on August 18, 2017, the attached Decision & Order was sent by U.S. mail, postage pre-paid, or hand-delivered, as noted, addressed as indicated below:

Saundra Taylor
145 Arnett Boulevard D-4
Danville VA 24540

CERTIFIED MAIL NUMBER
9171999991703630353613

Curtis B. Hane
Anderson and Quinn, LLC
25 Wood Lane
Rockville MD 20850

CERTIFIED MAIL NUMBER
9171999991703630353620

Saundra Taylor
145 Arnett Boulevard D-4
Danville VA 24540

FIRST CLASS MAIL

Mohammad R. Sheikh
Deputy Director
Labor Standards
DC Department of Employment Services
Washington DC

HAND DELIVERY

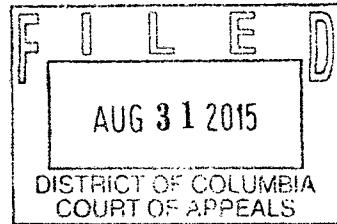
Henry W. McCoy
Chief Administrative Law Judge
Hearings and Adjudication
DC Department of Employment Services
Washington DC

HAND DELIVERY

Lisa Baxter
Associate Director
Office of Workers' Compensation
DC Department of Employment Services
Washington DC

HAND DELIVERY

Maryann Hackney
Clerk, Compensation Review Board



**District of Columbia
Court of Appeals**

Nos. 14-AA-1253 & 15-AA-593

SAUNDRA TAYLOR,

Petitioner,

v.

CRB75-14

**DISTRICT OF COLUMBIA DEPARTMENT
OF EMPLOYMENT SERVICES,**

Respondent,

and

VERIZON COMMUNICATIONS, INC.,

Intervenor.

**BEFORE: Blackburne-Rigsby and Beckwith, Associate Judges, and Nebeker,
Senior Judge.**

O R D E R

On consideration of petitioner's motion to set aside final order/judgment, motion to amend motion to set aside final order/judgment, the lodged amended motion, collectively construed as a motion for summary reversal filed in Appeal No. 14-AA-1253, petitioner's motion to supplement the record in Appeal No. 14-AA-1253, the motion to intervene in Appeal No. 14-AA-1253, intervenor's lodged brief and appendix, the opposition thereto, petitioner's motion to consolidate, petitioner's motion to amend lodged reply brief in Appeal No. 14-AA-1253, respondent's lodged statement in lieu of brief in Appeal No. 14-AA-1253, and petitioner's motion to proceed *in forma pauperis*, lodged petition for review and motion to compel production of document in Appeal No. 15-AA-593 , it is

ORDERED that the motion to intervene in Appeal No. 14-A-1253 is granted and the Clerk shall enter Verizon Communications, Inc. as intervenor and file its lodged brief and appendix. It is

**EXHIBIT
APP-D**

Nos. 14-AA-1253 & 15-AA-593

FURTHER ORDERED that petitioner's motion to supplement the record in Appeal No. 14-AA-1253 is denied. It is

FURTHER ORDERED *sua sponte* that the Clerk shall file respondent's lodged statement in lieu of brief in Appeal No. 14-AA-1253. It is

FURTHER ORDERED that petitioner's motion to amend the lodged reply brief in Appeal No. 14-AA-1253 is granted and the Clerk shall file the lodged amended reply brief. It is

FURTHER ORDERED that petitioner's motion to amend the motion to set aside is granted and the Clerk shall file the lodged amended motion collectively construed as a motion for summary reversal in Appeal No. 14-AA-1253. It is

FURTHER ORDERED that petitioner's motion for summary reversal in Appeal No. 14-AA-1253 is denied. *See Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). It is

FURTHER ORDERED that petitioner's motion to proceed *in forma pauperis* in Appeal No. 15-AA-593 is granted and the Clerk shall file the lodged petition for review and motion to compel production of documents. It is

FURTHER ORDERED that petitioner's motion to compel production of documents in Appeal No. 15-AA-593 is denied. It is

FURTHER ORDERED that petitioner's motion to consolidate Appeal No. 14-AA-1253 with Appeal No. 15-AA-593 is granted and these appeals are consolidated for all purposes herein. It is

FURTHER ORDERED that petitioner shall file a supplemental brief addressing only the issues relating to Appeal No. 15-AA-593 within 40 days from the date of this order and respondent/intervenor shall file any responsive briefs or statements in lieu within 30 days thereafter.

PER CURIAM

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

VINCENT C. GRAY
MAYOR



LISA M. MALLORY
DIRECTOR

COMPENSATION REVIEW BOARD

CRB No. 10-163

In Re: Motion to Set Aside
Decision and Order issued January 14, 2011

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD

2011 JUL 27 AM 9 13

SAUNDRA TAYLOR,
Claimant,
v.

VERIZON COMMUNICATIONS, INC., AND SEDGWICK CMS,
Employer and Carrier.

Saundra Taylor, *pro se* Petitioner
Curtis B. Hane, Esquire for the Respondent

Before MELISSA LIN JONES, LAWRENCE D. TARR, and HENRY W. MCCOY, *Administrative Appeals Judges*.

ORDER DISMISSING MOTION TO SET ASIDE DECISION AND ORDER ISSUED JANUARY 14, 2011

On June 6, 2011, Ms. Saundra Taylor filed a "Motion to Set Aside Board's Decision and Order of January 14, 2011" ("Motion"), requesting the Compensation Review Board ("CRB") vacate its above-referenced Decision and Order and remand the matter to the ALJ for further proceedings. For the following reasons, Ms. Taylor's Motion is **DENIED**.

Ms. Taylor asserts that she is entitled to reconsideration of the January 14, 2011, Decision and Order because Employer's Exhibit 11 was "a {false} [sic] document" that did not contain "true and complete information." Specifically, she argues that Verizon Communications, Inc.'s references to information not contained in Employer's Exhibit 11 "was 'a fraud upon the Court'" that denied her due process of law. Moreover, Ms. Taylor alleges that Employer's Exhibit 11 is now missing from the record.

Ms. Taylor failed to file her Motion timely. A party who files a request for reconsideration of a Decision and Order of the CRB must do so "within ten (10) calendar days from the date shown on the certificate of service of the Decision and Order of the Board or of any order issued by the Board."¹ Ms. Taylor filed her Motion on June 6, 2011, well past the ten-day deadline to appeal a Decision and Order issued on January 14, 2011.

EXHIBIT

APP. E

¹ 7 DCMR 268.1.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Employment Services

MURIEL BOWSER
MAYOR



DEBORAH A. CARROLL
DIRECTOR

COMPENSATION REVIEW BOARD

CRB 14-075

SAUNDRA TAYLOR,
Claimant-Petitioner

v.

VERIZON COMMUNICATIONS,
Employer-Respondent

Saundra Taylor, Pro Se Claimant
Curtis B. Hane for the Employer

2015 FEBR 28 AM 10 55

DEPT. OF EMPLOYMENT
SERVICES
COMPENSATION REVIEW
BOARD

ORDER

PROCEDURAL BACKGROUND

On October 30, 2014, the Compensation Review Board (“CRB”) issued a Decision and Order that denied Claimant’s requests (1) to suspend or set aside an August 6, 2010 Compensation Order issued by an Administrative Law Judge (“ALJ”) and (2) to reverse and remand a May 19, 2014, Order on Second Remand issued by a different ALJ.

Claimant’s appeal of CRB’s October 30, 2014 Decision and Order is pending before the District of Columbia Court of Appeal (“DCCA”). Claimant moved the DCCA to supplement the record. The DCCA denied Claimant’s motion and Claimant sought reconsideration. On February 18, 2015, the DCCA issued an Order that stated in pertinent part:

ORDERED that the motion for reconsideration without prejudice to petitioner filing an appropriate motion with the administrative agency

On March 4, 2015, Claimant filed with the CRB a Motion to Supplement the Record and Motion to Add New Evidence. Because Claimant did not send Employer a copy of her motion, the CRB sent a letter on March 18, 2015 that advised the parties it was sending a copy of the motion to Employer’s counsel and further notified Employer that any response to the motion must be filed on or before March 27, 2015. Employer has not filed any response to Claimant’s motion.

EXHIBIT
APP. F

Moreover, giving Ms. Taylor the benefit of the doubt that Employer's Exhibit 11 is now missing from the record does not alone or combined with Ms. Taylor's allegations satisfy Rule 60(b)(3).

Because Ms. Taylor failed to file her Motion timely and because she failed to allege facts that give rise to a claim of fraud pursuant to Superior Court Rule 60(b)(3), she is not entitled to reconsideration of the Decision and Order dated January 14, 2011, and we cannot consider the merits of Ms. Taylor's other claims.

Taylor v. Verizon Communications, Inc. CRB No. 10-163, Order Dismissing Motion To Set Aside Decision and Order Issued January 14, 2011 (July 27, 2011).

The CRB endorses the previous finding with respect to Claimant's assertion that the exhibit that was submitted is a fraudulent document. At most, it is an incomplete document. Moreover, as with the items in Appendix #1 and Appendix #3, Claimant has not satisfied the requirements of 7 DCMR §264.1.

In conclusion, the CRB finds that there are no grounds presented by Claimant that justify adding any of the documents for which Claimant seeks to supplement the record. The items sought to be added in Appendices #1 and #3 and the items on Bluff Magazines' web site that Claimant seeks to introduce in Appendices #2, 4 and 5 could have been introduced at the June 16, 2011 formal hearing. Claimant has not presented any reasonable grounds, for her failure to introduce them at the hearing. Additionally, the document that was introduced might have been incomplete, but it was not fraudulent.

For these reasons, the CRB hereby DENIES Claimant's Motion

FOR THE COMPENSATION REVIEW BOARD:



LAWRENCE D. TARR
Chief Administrative Appeals Judge

April 28, 2015

DATE

**Additional material
from this filing is
available in the
Clerk's Office.**