

**District of Columbia
Court of Appeals**

No. 17-AA-6

ROBERT L. JOHNSON,
Petitioner,

v.

2016 CRB 87

DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT SERVICES,
Respondent,

AND

HAMILTON CROWN PLAZA HOTEL, *et. al*,
Intervenors.

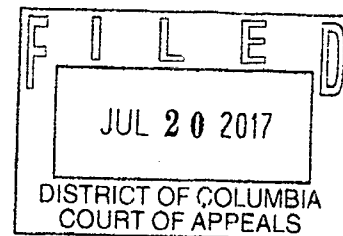
BEFORE: Thompson and Easterly, Associate Judges, and Farrell, Senior Judge.

J U D G M E N T

On consideration of intervenors' motion for leave to intervene, intervenors' lodged motion for summary affirmance, petitioner's reply brief to intervenors construed as an opposition, respondent's statement in lieu of brief, petitioner's reply brief to respondent, petitioner's brief and appendix, and the record on appeal, it is

ORDERED that intervenors' motion for leave to intervene is granted and the lodged motion for summary affirmance is filed. It is

FURTHER ORDERED that intervenors' 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). The Compensation Review Board of the District of Columbia Department of Employment Services did not err in affirming the second compensation order on remand, dated June 3, 2016, because there existed substantial evidence in the record to support the decision that petitioner did not meet his burden of proving entitlement to penalties because he failed to identify any medical bills related to his workplace injury that he was required to pay after intervenors refused to pay them. *See Washington Metro. Area Transit Auth. v. District of Columbia Dep't of Employment Servs.*, 926 A.2d 140, 146 (D.C. 2007) ("The scope of our review of the decision of the [Compensation Review Board] is



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the 'substantial evidence' standard"); *see also Ferreira v. D.C. Dep't of Employment Servs.*, 667 A.2d 310, 312 (D.C. 1995) ("Substantial evidence is defined as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.") (internal quotation marks and citation omitted). It is

FURTHER ORDERED and ADJUDGED that the decision and order on appeal are hereby affirmed.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

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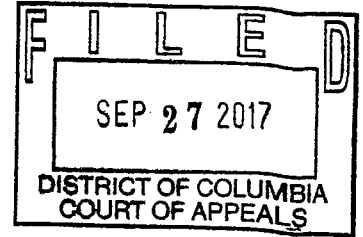
Timothy Fitzpatrick
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Solicitor General - DC

cm

District of Columbia
Court of Appeals



No. 17-AA-6

ROBERT L. JOHNSON,
Petitioner,

v.

CRB087-16

DISTRICT OF COLUMBIA
DEPARTMENT OF EMPLOYMENT
SERVICES,

Respondent.

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

ORDER

On consideration of petitioner's petition for rehearing *en banc*, and it appearing that this court inadvertently issued the mandate on August 11, 2017, and it further appearing that no judge of this court has called for a vote on the petition for rehearing *en banc*, it is

ORDERED, *sua sponte*, that the mandate issued by this court on August 11, 2017, is hereby recalled. It is

FURTHER ORDERED that the Clerk is directed to file petitioner's petition for rehearing *en banc*. It is

FURTHER ORDERED that petitioner's petition for rehearing *en banc* is denied.

PER CURIAM

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Copies to:

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Clerk's Office.**