

DISTRICT OF COLUMBIA COURT OF APPEALS

Phillip O. Battle v. District of Columbia Department of Employment Services and Washington Metropolitan Area Transit Authority

No. 16-AA-1154 (D.C. Jan. 4, 2018) · No. 16-AA-1154 · Decided January 4, 2018

SUMMARY

The District of Columbia Court of Appeals reviewed the denial of Phillip O. Battle’s workers’ compensation claim for disability benefits and medical costs arising from a back condition. The court held that WMATA failed to present substantial evidence rebutting the statutory presumption that Battle’s condition was caused or aggravated by his work as a bus driver, particularly because its medical evidence did not address cumulative workplace trauma. The court reversed the Compensation Review Board and remanded for further proceedings limited to unresolved issues, including the timeliness of Battle’s notice to WMATA.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Stephen H. Glickman; Glickman, Associate Judge; Easterly, Associate Judge; McLeese, Associate Judge
JURISDICTION	District of Columbia
DECIDED	January 4, 2018
DOCKET	16-AA-1154
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petition for review of a Compensation Review Board order affirming an administrative law judge's denial of a workers' compensation claim.
STANDARD OF REVIEW	The court determined whether the agency made findings on each material contested factual issue, whether those findings were supported by substantial evidence on the record as a whole, and whether the Board's conclusions flowed rationally from the findings and comported with applicable law.
PRECEDENTIAL VALUE	published
PARTIES	Phillip O. Battle v. District of Columbia Department of Employment Services

TOPICS

workers compensation

administrative law

judicial review of agency action

standard of review

appellate procedure

PRACTICE AREAS

workers compensation

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employment law

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QUESTIONS PRESENTED

1. Whether substantial evidence rebutted the statutory presumption that Battle's back disability was compensable and causally related to his work.
2. Whether the case should be remanded for consideration of the timeliness of Battle's notice to WMATA.
3. Whether, after the presumption was rebutted, the finding that Battle's injury was not work-related was supported by substantial evidence.

HOLDINGS

1. WMATA did not present substantial evidence specific and comprehensive enough to sever the potential connection between Battle's disabling back condition and the cumulative trauma and aggravation associated with his fourteen years of bus driving.
2. Compensability was not subject to reconsideration on remand because WMATA failed to present sufficient evidence to rebut the presumption.

KEY QUOTATIONS

“Once the presumption is triggered, the burden is upon the employer to bring forth “substantial evidence” showing that death or disability did not arise out of and in the course of employment.” (at 11)

“Under our Act, if one theory of employment causation has the potential to result in or contribute to the disability suffered, the presumption is triggered.” (at 14)

“If the employer fails to address and rebut that theory with substantial evidence, the presumption of compensability stands.” (at 14)

FACTUAL BACKGROUND

Phillip Battle worked as a WMATA bus driver for fourteen years, generally driving eight to fifteen hours per day while repeatedly moving his body and enduring bumps and prolonged sitting. In January 2015, he developed lower-back and left-leg symptoms, and medical records documented lumbar degeneration, disc bulging, and possible nerve-root impingement. His physical therapist and treating orthopedic surgeon connected or potentially connected his condition to prolonged driving and repetitive twisting, while WMATA's independent examiner addressed only the absence of a single workplace accident. Battle sought workers' compensation benefits for missed work and related medical care.

PROCEDURAL HISTORY

Battle sought temporary total disability benefits and related medical expenses for a disabling back condition allegedly caused or aggravated by his work as a WMATA bus driver. The ALJ found that Battle invoked the statutory presumption of compensability but that WMATA rebutted it through an independent medical examination, then denied the claim on causation grounds without deciding whether Battle timely notified WMATA. The Compensation Review Board affirmed, and Battle petitioned the District of Columbia Court of Appeals for review.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including consideration of whether Battle timely notified WMATA of his claim. The issue of compensability may not be reconsidered because WMATA failed to rebut the presumption.

CASES CITED

- *Georgetown University Hospital v. District of Columbia Department of Employment Services*, 916 A.2d 149, 151 (D.C. 2007)
- *Mills v. District of Columbia Department of Employment Services*, 838 A.2d 325, 328 (D.C. 2003)
- *Dietrich v. District of Columbia Board of Zoning Adjustment*, 293 A.2d 470, 473 (D.C. 1972)
- *Ferreira v. District of Columbia Department of Employment Services*, 531 A.2d 651, 655-57, 660 (D.C. 1987)
- *King v. District of Columbia Department of Employment Services*, 742 A.2d 460, 468-69 (D.C. 1999)
- *Parodi v. District of Columbia Department of Employment Services*, 560 A.2d 524, 526 & n.5 (D.C. 1989)
- *Washington Post v. District of Columbia Department of Employment Services*, 852 A.2d 909, 911 (D.C. 2004)
- *Davis-Dodson v. District of Columbia Department of Employment Services*, 697 A.2d 1214, 1216-17 (D.C. 1997)
- *Olson v. District of Columbia Department of Employment Services*, 736 A.2d 1032, 1038 (D.C. 1999)
- *Hensley v. Washington Metropolitan Area Transit Authority*, 655 F.2d 264, 268-70 (D.C. Cir. 1981)
- *Miller Transporters, Inc. v. Guthrie*, 554 So. 2d 917, 919 (Miss. 1989)
- *Stewart v. District of Columbia Department of Employment Services*, 606 A.2d 1350, 1353 (D.C. 1992)
- *Jackson v. District of Columbia Department of Employment Services*, 979 A.2d 43, 52 (D.C. 2009)
- *Mexicano v. District of Columbia Department of Employment Services*, 806 A.2d 198, 206 (D.C. 2002)