

DISTRICT OF COLUMBIA COURT OF APPEALS

Georgetown University v. District of Columbia Department of
Employment Services

862 A.2d 387 (D.C. 2004) · Decided December 2, 2004

SUMMARY

The District of Columbia Court of Appeals held that the Department of Employment Services Director improperly rejected an Administrative Law Judge’s credibility determination and factual finding that the claimant failed to provide timely notice of her work-related injury. The court reversed the Director’s decision because the ALJ’s finding was supported by substantial evidence, but remanded for consideration of the claimant’s alternative argument concerning causally related medical expenses, which were not barred by the notice requirement.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Wagner, Chief Judge; Farrell; Steadman; Wagner
JURISDICTION	District of Columbia
DECIDED	December 2, 2004
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Georgetown University petitioned for review of the Director of the District of Columbia Department of Employment Services' reversal of an Administrative Law Judge's decision denying Theresa Owens workers' compensation benefits for failure to provide timely injury notice.
STANDARD OF REVIEW	The court examines whether the agency made findings on each material contested factual issue, whether substantial evidence supports those findings, and whether the legal conclusions rationally follow from the findings. Hearing examiner factual findings receive great deference and bind the Director and reviewing court when supported by substantial evidence; legal conclusions receive less deference. The court generally defers to the agency's interpretation of statutes and regulations it administers unless unreasonable or contrary to statutory language or legislative history.
PRECEDENTIAL VALUE	published precedential opinion

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QUESTIONS PRESENTED

1. Whether the Director of the District of Columbia Department of Employment Services improperly reweighed the evidence and rejected the ALJ's credibility determination in concluding that Owens's testimony established timely notice.
2. Whether substantial evidence supported the ALJ's finding that Owens failed to provide notice within the thirty-day period required by D.C. Code § 32-1513.
3. Whether the case should be remanded for the agency to decide Owens's alternative claim that causally related medical expenses are not barred by failure to provide timely notice.

HOLDINGS

1. The Director improperly rejected the ALJ's finding that Owens failed to provide timely notice because the ALJ reasonably relied on Owens's prior inconsistent interrogatory answer, the absence of corroborating evidence, and credibility considerations. The Director was bound by the ALJ's supported factual findings and could not substitute his own factual judgment merely because he might have reached a different result.
2. The ALJ's determination that Owens failed to provide her employer with timely notice of her injury as required by D.C. Code § 32-1513 was supported by substantial evidence.
3. The case had to be remanded to DOES to decide Owens's alternative claim that causally related medical expenses are not barred by failure to provide timely notice.

KEY QUOTATIONS

"Thus, the trier of fact need not accept even undisputed evidence, if there is some reasonable justification for rejecting it." (392)

"We remand the case to DOES for a ruling on that issue, since "[a]n administrative order can only be sustained on the grounds relied on by the agency....'" (387)

"Therefore, we reverse the decision of the Director and remand the case to the agency for further proceedings consistent with this opinion." (393)

FACTUAL BACKGROUND

Theresa Owens, a medical secretary at Georgetown University Hospital, experienced a lower-back injury in 1998 and was placed on light duty. On November 24, 1999, she felt pain in her neck and right arm while moving boxes to retrieve a projector, but disputed when she notified her employer. Her interrogatory answer stated that she orally notified her supervisor on or about March 1, 2000, and gave written notice on April 25, 2000; the ALJ rejected her hearing testimony that she had reported the injury shortly after it occurred. Medical providers diagnosed work-related carpal tunnel syndrome and cervicothoracic strain in February and May 2000.

PROCEDURAL HISTORY

An ALJ found that Owens failed to give timely notice of her work-related injury and denied her claim for benefits, although resolving other issues in her favor. The Director of DOES reversed, concluding that the ALJ's decision was not supported by substantial evidence. The District of Columbia Court of Appeals reversed the Director's decision and remanded for consideration of Owens's alternative claim for causally related medical expenses.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the District of Columbia Department of Employment Services for further proceedings and a ruling on Owens's alternative claim for causally related medical expenses under *Safeway Stores, Inc. v. District of Columbia Department of Employment Services*.

CASES CITED

- *Safeway Stores, Inc. v. District of Columbia Department of Employment Services*, 832 A.2d 1267 (D.C. 2003)
- *Kralick v. District of Columbia Department of Employment Services*, 842 A.2d 705, 713 (D.C. 2004)
- *Jones v. District of Columbia Department of Employment Services*, 519 A.2d 704, 709 (D.C. 1987)
- *Cathedral Park Condominium Committee v. District of Columbia Zoning Commission*, 743 A.2d 1231, 1239 (D.C. 2000)
- *4934, Inc. v. District of Columbia Department of Employment Services*, 605 A.2d 50, 53 (D.C. 1992)
- *Beckman v. D.C. Police & Firefighters' Retirement & Relief Board*, 810 A.2d 377, 384 (D.C. 2002)
- *Pickrel v. District of Columbia Department of Employment Services*, 760 A.2d 199, 203 (D.C. 2000)
- *Jimenez v. District of Columbia Department of Employment Services*, 701 A.2d 837, 840 (D.C. 1997)
- *Greater Washington Bus. Ctr. v. D.C. Comm'n on Human Rights*, 454 A.2d 1333, 1337-38 (D.C. 1983)
- *Teal v. District of Columbia Department of Employment Services*, 580 A.2d 647, 650 (D.C. 1990)
- *Belcon, Inc. v. D.C. Water & Sewer Authority*, 826 A.2d 380, 386-87 & n.9 (D.C. 2003)
- *Ferdinand v. Agricultural Insurance Co.*, 22 N.J. 482, 126 A.2d 323, 329 (1956)
- *Ruffin v. United States*, 524 A.2d 685, 695 (D.C. 1987), cert. denied, 486 U.S. 1057 (1988)
- *Outlaw v. United States*, 604 A.2d 873, 879 (D.C. 1992)

- Harris v. United States, 602 A.2d 154, 165 (D.C. 1992)
- Chenier v. Lawson, 162 A.2d 492, 493 (D.C. 1960)
- Santos v. District of Columbia Department of Employment Services, 536 A.2d 1085, 1088 (D.C. 1988)
- Ester v. National Home Centers, Inc., 335 Ark. 356, 981 S.W.2d 91, 95 (1998)
- Braewood Convalescent Hospital v. Workers' Compensation Appeals Board, 34 Cal. 3d 159, 193 Cal. Rptr. 157, 666 P.2d 14, 20 (1983)
- Alexander v. D.L. Sittin Motor Lines, 851 S.W.2d 525, 527 (Mo. 1993)
- King v. Pillsbury Bakery Co., 21 P.3d 82, 84 (Okla. Civ. App. 2001)
- Leon E. Wintermyer, Inc. v. Workers' Compensation Appeal Board, 571 Pa. 189, 812 A.2d 478, 484 n.8 (2002)

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