

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-1354

September Term, 2002

Filed On: February 19, 2003[732448]

Loew's L'Enfant Plaza and Transportation
Insurance Company,
Petitioners

v.

Director, Office of Workers' Compensation Programs,
and William H. Baudendistel,
Respondents

Petition for Review of an Order of the Benefits Review Board

Before: EDWARDS, SENTELLE, and HENDERSON, *Circuit Judges*

J U D G M E N T

This cause was considered on the record compiled before the United States Department of Labor's Benefits Review Board and was briefed and argued by counsel. It is

ORDERED and **ADJUDGED** that the petition for review be denied. Petitioners, Loew's L'Enfant Plaza and Transportation Insurance Company, challenge a decision by the Benefits Review Board to award compensation to a former employee pursuant to the Longshore and Harbor Workers' Compensation Act. See 33 U.S.C. §§ 901-950 (1976 & Supp. V 1981); see also Slattery Assocs., Inc. v. Lloyd, 725 F.2d 780, 781-82 n.1 (D.C. Cir. 1984) (describing application of statute to private employers in District of Columbia).

Petitioners argue that William G. Baudendistel,* who was injured while on the job in 1977, was not entitled to medical compensation for his later-discovered ailments because he did not have the required consent for treatment. The Board rejected petitioners' argument and upheld an ALJ's finding that, in 1978, petitioners gave blanket authorization to William Baudendistel to seek proper medical treatment for "any problems" resulting from the 1977 incident. Baudendistel v. Loew's L'Enfant Plaza, BRB No. 99-0934

* William G. Baudendistel, the co-respondent in this case, is now deceased. On February 7, 2003, the court granted a motion by co-respondent's father, William H. Baudendistel, to serve as his son's personal representative.

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(Dep't of Labor June 6, 2000), reprinted in Joint Appendix 197-204. This authorization provided explicit consent to William Baudendistel to seek treatment and receive compensation for his later-discovered medical ailments.

After considering the briefs and the arguments presented at hearing, this court denies the petition for essentially the same reasons provided by the Board. The Board's decision is supported by substantial evidence and it is reasonable. Therefore, the Board's decision is entitled to deference.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

By:

Michael C. McGrail
Deputy Clerk