Where should this claim be filed?
A comparison of Virginia, Maryland and D.C. Workers' Compensation Laws

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Lawyers representing workers' compensation claimants in Northern Virginia and elsewhere in the Washington, D.C. area are often presented with an important decision upon being retained by a new client: "In which jurisdiction should my client's claim be filed?" The particular facts regarding the location of the claimant's accident; where the claimant was hired; and where he performed the majority of his employment duties may present the choice of pursuing the claim among two or even three jurisdictions - Virginia, Maryland or D.C. Service providers, such as bus drivers and electricians, salesmen, construction workers, and moving company employees are some examples of the type of claimants who may perform their work in more than one of these jurisdictions.

Upon being retained by an injured worker, counsel should ascertain whether their client's claim can successfully be brought in more than one jurisdiction. If the answer is affirmative, the benefits available and procedures in each possible jurisdiction should be considered in determining where to file the claim. This article will compare some of the most significant aspects of the workers' compensation laws of Virginia, Maryland and D.C. to assist claimant's counsel in determining where to file an injured worker's claim. Given the scope of this topic, only some of the most basic and common areas of law are compared, and the nuances and potential exceptions to a stated law or rule may not be covered. Many important topics, such as uninsured employers, settlement procedures, occupational disease, death and third-party claims, and vocational rehabilitation, to name just a few, are not discussed. Further, as the compensation laws and procedures in each jurisdiction sometimes change or are refined by the legislature,

Courts or rules promulgated by the Commissions, counsel should review the applicable laws/rules when presented with a claim that may be filed in more than 1 jurisdiction.

Where *can* the claim be brought?

Counsel should consider these three factors in determining where their client's compensation claim may be brought successfully:

1. Jurisdiction

It is essential that counsel make certain that jurisdiction properly exists in the venue where the claim is filed. An agreement between the parties as to the appropriate jurisdiction for a claim will have no effect if the Commission where the claim has been brought determines that it does not have jurisdiction over the claim, and the claim will be dismissed in the improper jurisdiction, regardless of whether the statute of limitations for bringing the claim in the correct jurisdiction has already expired.

Virginia jurisdiction exists if the claimant's accident occurred in Virginia and claimant's employer regularly employs three or more people within the Commonwealth. If the accident does not occur in Virginia, jurisdiction still exists if the employer has a place of business within the Commonwealth and the claimant was hired in Virginia, as long as the claimant was not expressly hired for work outside Virginia.[i]

In Maryland, an injured worker is a "covered employee" while working within Maryland, unless the work performed in Maryland is only intermittent or temporary, and five additional statutory requirements are met. A worker injured outside of Maryland is still covered if his work outside the State was on a "casual, incidental or occasional basis and he is "regularly employed" within Maryland. An individual is also "covered" if he is injured outside the United States under

an employment contract made in Maryland for work to be performed solely outside of the United States.[ii]

An employee injured in D.C. is covered under the District's compensation laws if he is injured in Washington, unless the employee is only working temporarily or intermittently in D.C., both the employee and employer are not D.C. residents, and the employer has furnished compensation insurance coverage under the laws of another state so as to cover the injured worker's employment while in D.C. A worker injured outside of D.C. will be covered if, at the time of the injury or death, his employment is localized principally in D.C.[iii]

In contrast to Maryland and Virginia, D.C. law provides that "[N]o employee shall receive compensation under this chapter and at any time receive compensation under the workers' compensation law of any other state for the same injury or death."[iv] In other words, if a claimant receives benefits under the laws of another state, he cannot later bring his claim in D.C., even though the benefits available in D.C. may be more generous. Virginia and Maryland do allow claims which have previously been brought in another state, and provide that the employer be "credited" for payments made under the laws of the state where benefits were previously paid. This is true even if the claimant has unsuccessfully pursued his claim in another jurisdiction.[v]

2. Initial Filing Deadlines - Notice of Injury and Filing of Claim

A. Notice of Injury

Virginia and D.C. law provide that an injured employee must provide written notice to his employer of the time, place, nature, and cause of the accident and injury within thirty days of the accident.[vi] Maryland law requires that oral or written notice be given to the employer within ten days of an injury and within thirty days after a death.[vii] All three jurisdictions have fairly broad

exceptions to this requirement which will not preclude a claim from being brought.[viii]

B. Filing of Claim

In Virginia, the statute of limitations for filing a claim for compensation benefits is two years from the date of an accident.[ix] In Maryland, a claim should be filed within sixty days after an accident, but failure to file a claim within sixty days can be excused by the Commission if the claim is filed within two years of the date of accident.[x] Maryland also has a separate, eighteen month deadline for filing a death claim.[xi] In D.C., a claim must be filed within one year of the injury or death, or one year after the date of the last payment of compensation made without an award.[xii]

3. Requirements for Proving Compensable Injury

While the three jurisdictions use virtually the same definition of "injury," exactly what must be proven to establish a compensable injury differs greatly between the three, with D.C. having the most liberal requirements, and Virginia having the most restrictive.

In Virginia, "injury" is defined as "only injury by accident arising out of and in the course of the employment or occupational disease..." In order to prove an injury by accident, a claimant must prove (1) an identifiable incident; (2) that occurs at some reasonably definite time; (3) an obvious sudden mechanical or structural change in the body; and (4) a causal connection between the incident and the bodily change. Virginia is in the minority of jurisdictions in the U.S. which follow the "actual risk test," under which "the causative danger must be peculiar to the work, incidental to the character of the business and not independent of the master-servant relationship. The test excludes injuries which the employee would have been equally exposed to apart from the employment."[xiii] Applying this test to the facts of a particular claimant's injury can be difficult, and counsel are urged to review recent Commission and appellate opinions

which apply the "actual risk test" to determine if a particular injury is likely to be found compensable in Virginia.

In Maryland, an "accidental personal injury" is defined as "an accidental injury that arises out of and in the course of employment," and includes disease or infection naturally resulting such injuries, as well as occupational diseases. In June, 2003, Maryland's Court of Appeals reviewed its numerous prior rulings holdings requiring that a claimant prove he was engaged in an "unusual activity" at the time of the injury, and threw out this requirement. Counsel should review the *Harris v. Board of Education of Howard County* case as a means of gaining an understanding of the history and current state of Maryland law regarding the requirements for proving an "accidental personal injury."[xiv]

D.C. law similarly defines an "injury" as "accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury..." However, compared to Virginia, D.C. utilizes the more liberal "positional risk test, " under which an "injury arises out of employment...so long as it would not have happened but for fact that conditions of employment placed claimant in position where he was injured, and as such... supports compensation in cases of stray bullets, roving lunatics, and other situations in which the only connection of employment with the injury is that its obligations placed claimant in particular place when he was injured by a neutral force." For an injury to be found "accidental," it must be shown only that something has unexpectedly gone wrong within the human frame.[xv]

All three jurisdictions consider assaults upon employees to be compensable injuries, provided the other requirements of proving an injury "arising out of and in course of employment" are met.

Where *should* the claim be brought?

If counsel determines that a client's claim appears to meet the jurisdictional, time and "injury" requirements of more than one jurisdiction, a decision as to the best place to bring the claim - i.e., the jurisdiction which is likely to provide the greatest level of compensation - must be made. A summary of the types of benefits available and procedures used in each jurisdiction is provided below. In addition, the websites of the Virginia and Maryland Workers' Compensation Commission provide a great deal of information as to benefits available, such as maximum and minimum compensation rates, and yearly cost of living adjustments, and also provide many of the forms needed to pursue a claim or particular issue. The Virginia Workers' Compensation Commission's site even has a searchable database of the Commission's Opinions. The D.C. Department of Employment Services also has a website, but it is not as comprehensive at this time.[xvi]

1. Medical Benefits

All three jurisdictions require that the employer/insurer pay for an injured claimant's medical care for a s long as necessary. However, while Maryland and D.C. law allow a claimant to choose his own doctor, Virginia law provides that a claimant must select a physician from a panel of at least three physicians chosen by the employer.[xvii]

2. Disability Benefits

In contrast to the law in Virginia, where the total compensation paid to a claimant cannot exceed 500 weeks (except in permanent total and pneumoconiosis claims), and D.C., where "[f]or any one injury causing temporary or permanent partial disability, the payment for disability shall not continue for more than a total of 500 weeks," Maryland law does not place

any limit on the total number of weeks of compensation which may be paid over the life of a claim.[xviii]

A. Average Weekly Wage

Virginia law provides that a claimant's average weekly wage shall be calculated by adding the claimant's earnings over the 52 weeks preceding the date of injury and dividing that figure by 52. In Maryland, the claimant's earnings over the 13 weeks prior to the date of injury are averaged, and in D.C., wages earned in the 26 weeks prior to the injury are averaged, unless, at the time of the injury, the claimant's earnings are "fixed " by the week, in which case the amount so "fixed" shall be the average weekly wage; or by the month, in which case the "fixed" monthly salary shall be multiplied by 12 and divided by 52; or the year, where the average weekly wage shall be the yearly salary divided by 52.[xix]

Virginia allows "wage stacking," or the inclusion of earnings from a second job on which the claimant was not injured, if the two jobs held are related or similar. Maryland law does not allow any "wage stacking" while D.C. allows for "wage stacking" without regard to the nature of the claimant's second job.[xx] All three jurisdictions prescribe maximum and minimum compensation rates, which are adjusted annually.

B. Temporary Total Disability

All three jurisdictions provide for temporary total disability (TTD) benefits to be paid at the compensation rate of 66 2/3%of the claimant's average weekly wage. Maryland law requires that the compensation rate be "rounded up" to the next highest dollar.[xxi]

Virginia law provides that TTD benefits be paid during the claimant's total incapacity and that a cost of living adjustment should be made to the claimant's compensation rate on October 1 of each year.[xxii]

In Maryland, once a claimant reaches maximum medical improvement, he is no longer entitled to TTD benefits, but if at that time the claimant is still disabled from his regular employment, he is entitled to receive "vocational rehabilitation benefits."[xxiii]

D.C. law is similar to Virginia, in that TTD benefits will be paid during periods of a claimant's total disability without regard to whether maximum medical improvement has been reached, but in contrast to Virginia law, a claimant who receives a "scheduled award" for permanent partial disability is barred from receiving further TTD benefits, except in extremely rare circumstances.[xxiv]

C. Temporary Partial Disability

If an injured worker, still disabled from his regular employment, returns to work in a lighter or part-time capacity, he is entitled to temporary partial disability (TPD) benefits, which in Virginia and D.C. are calculated as 66 2/3% of the difference between the claimant's pre-injury average weekly wage and wages earned after the compensable accident and return to employment. In Maryland, the claimant is entitled to 50% of the difference between his pre-injury average weekly wage and wages earned after returning to employment, but only if he has not reached the point of maximum medical improvement.[xxv]

D. Permanent Partial Disability

In Virginia and D.C., permanent partial disability (PPD) benefits are paid for the percentage of loss of "scheduled members," which are limited to the hand, arm, feet, legs, fingers and toes. Permanent loss of hearing and vison are also compensated. Benefits are paid at the rate of 66 2/3% of the claimant's average weekly wage, without regard to whether the claimant is still experiencing a loss of wages. In Virginia, temporary partial and permanent partial benefits may be paid concurrently, but this is not the case in D.C.[xxvi]

Maryland also uses a "schedule" for the same body parts as those in D.C. and Maryland, but in cases where the permanently injured part of the body is not among those specifically listed, the percentage of the claimant's "industrial loss" of use of the body is multiplied by 500 weeks in calculating the number of weeks of compensation to be paid. This means that in contrast to Virginia and D.C., a claimant who has sustained a permanent disability to the back but is not disabled from his regular employment, is eligible to receive PPD benefits. In determining a claimant's "industrial loss," or loss of earning capacity, the Commission considers the nature of the claimant's injury, and his age, experience, occupation, training, and wages earned before and after the injury.[xxvii]

In addition, under Maryland law, the amount of weeks awarded for PPD determines the dollar amount of benefits paid per week. A PPD award for less than 75 weeks is paid at 1/3 of the worker's average weekly wage, not to exceed $94.20 for injuries occurring on or after January 1, 1993, and $114.00 for injuries occurring on or after January 1, 2000. An award for 75 to 249 weeks of PPD compensation is paid at the rate of 2/3 of the claimant's average weekly wage, not to exceed 1/3 of the average weekly wage of the State of Maryland ($234.00 for 2002 injuries, 241.00 for 2003 injuries, and $247.00 for 2004 injuries.) PPD benefits for injuries to the thumb, fingers or great toe are compensated at this rate even if the award is less than 75 weeks.[xxviii]

If the Maryland claimant's PPD award is 250 weeks or more, he is considered to have "serious disability," and is then entitled to compensation for an additional 1/3 of the number of weeks awarded. PPD benefits for "serious disability" are paid at the rate of 2/3 of the claimant's average weekly wage, not to exceed 75 percent of the average weekly wage of the State of Maryland ($525.00 for 2002 injuries, $542.00 for 2003 injuries, and $575.00 for 2004

injuries.)[xxix]

E. Permanent Total Disability

In Virginia, permanent total disability compensation shall be awarded *only* when there is:

1. Loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof in the same accident;

2. Injury resulting in total paralysis;

3. Injury to the brain which is so severe as to render the employee permanently unemployable in gainful employment.[xxx]

In Maryland and D.C., a worker who is so injured that he can perform no services other than those which are so limited in quality, dependability or quantity that a reasonably stable market for them does not exist, may be classified as permanently and totally disabled. In addition, a claimant who suffers the loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof in the same accident will be presumed permanently and totally disabled, absent conclusive proof to the contrary.[xxxi]

In all three jurisdictions, a claimant under an award for permanent total disability should receive an annual cost of living adjustment, or in D.C. jargon, a "supplemental allowance."[xxxii]

F. Time Requirements

In Virginia, claims for additional TTD or TPD benefits based upon a "change in condition" must be filed within 2 years from the last day compensation was paid pursuant to an award, and claims for PPD must be made within 3 years from the last day compensation was paid. If the claimant receives a PPD award, he has one year from the date compensation was last due to claim additional TTD or TPD, even though he has not experienced a "change in condition."[xxxiii]

In Maryland, a claim for additional compensation must be made within five years from the last payment of temporary or permanent disability.[xxxiv]

In D.C., a claimant has three years after the termination of a non-scheduled benefits to claim further benefits based upon a "change in condition," and one year after the last payment of compensation under scheduled (PPD) benefits to claim additional PPD benefits based upon a change (worsening) of condition.[xxxv]

3. Contested Case Procedures

A. Hearings and Discovery

All three jurisdictions provide that with regard to evidentiary hearings, the Commission is not bound by statutory or common law rules of pleading or technical/formal rules of practice/procedure.

The Virginia Workers' Compensation Commission will hold evidentiary or "on-the-record" hearings upon receipt of an application and supporting evidence (usually medical reports) from a party. Discovery is permitted as set forth in Commission Rule 1.8. If a claimant is under an open award, the employer must file an Application for Hearing, attesting to payment of benefits through the date the Application is filed, before a hearing to terminate or modify the claimant's benefits will be docketed. In most cases, the claimant's benefits will then be suspended pending the hearing and resulting Opinion from the Commission. If a claimant who has previously received benefits files a "change in condition" claim alleging entitlement to further benefits, compensation cannot be awarded more than 90 days before the claim for further benefits was filed.[xxxvi]

The Maryland Workers' Compensation Commission will automatically schedule a hearing if the employer/insurer, upon receiving notice of a claim from the Commission, contests

the compensability of the claim. Otherwise a party must file "issues" using the Commission's "issue sheet" to obtain a hearing.[xxxvii] Discovery is not permitted at this initial hearing stage, and the Commission's awards do not specify the reasons or basis for the Commissioner's decision, which is usually received within 2 to 4 weeks after a hearing.

The D.C. Office of Workers' Compensation (OWC) will hold an "informal conference" upon a party's request, and make a recommendation to resolve the issue(s) raised. Either party can reject this recommendation and apply for a formal hearing, which is held by the Office of Hearings and Adjudication (OHA). Discovery is permitted at the OHA level, and in contrast to Virginia and Maryland, out-of-state witnesses may be compelled to testify via subpoena.[xxxviii] OHA rarely complies with the statutory requirement that a Compensation Order be issued within 20 days after a formal hearing, and in some instances, often depending on the ALJ hearing the claim, several months or more may pass after the formal hearing before OHA issues a Compensation Order on the issue(s) heard. If a claimant is receiving continuing compensation pursuant to a final award, the employer/insurer must apply for a new formal hearing and receive a compensation order terminating benefits before payments to the claimant may be halted.[xxxix]

B. Appeals

In Virginia, an employer's appeal of an award of benefits to a claimant suspends the award of compensation until a final determination is made. Appeals from the Deputy Commissioner's Opinion must be made to the Full Commission within 20 days after receipt of the Opinion. The Full Commission reviews the case *de novo,* using the evidence of record and parties' briefs. Oral argument can be requested by either party, but in practice is rarely granted. Appeals to The Court of Appeals are also of right and must be made within 30 days after receipt of the Full Commission's Opinion. The Court places workers' compensation appeals on its

"privileged docket," and findings of fact made by the Commission are binding on appeal if supported by credible evidence.[xl] The Virginia Supreme Court will hear appeals from a Court of Appeal's decision only upon a petition for review which persuades the Supreme Court the decision at issue involves a substantial constitutional issue or matters of significant precedential value.[xli]

In Maryland, appeals from the Commission's order are made by filing a "petition for judicial review" within 30 days after the date of mailing of the order, to the Circuit Court having jurisdiction over the appellant or in the county where the accident occurred. Discovery is permitted and a *de novo* trial will be held in which the parties may present evidence which was not before the Commission. However, the Commission's decision is admissible in evidence, and is regarded as *prima facie* correct with regard to findings of fact, and the appellant has the burden of proving by a preponderance of the evidence that the Commission's decision was wrong. A party desiring a jury trial must request one within 15 days after the time for answering the appeal petition. Appeals from a Circuit Court Order are taken as of right to the Court of Special Appeals, and on writ of certiorari, to Maryland's highest Court, the Court of Appeals. In contrast to Virginia, an appeal does not stay an order of the Commission requiring payment of compensation or the provision of medical treatment.[xlii]

In D.C., appeals from an OHA compensation order are made by filing an application for review with the Director of the Department of Employment Services within 30 days after the compensation order is issued. As in Maryland, an appeal will not serve to suspend the payment of compensation required by an order, unless the employer obtains a stay order on the grounds that "irreparable injury would otherwise ensue to the employer." The Director will affirm a compensation order if it makes factual findings based on substantial evidence on each material,

contested factual issue, and makes legal conclusions that rationally follow the factual findings. Appeals to the D.C. Court of Appeals are as of right and must be filed within 30 after receipt of the Director's decision.[xliii]

4. Attorney's fees

In all three jurisdictions, attorney's fees must be awarded or approved by the Commission. In Virginia, attorney's fees are awarded most commonly when the claimant receives an award of benefits or upon approval of a compromise settlement reached by the parties. With regard to settlements, the attorney must provide the Commission with a statement of the services provided to the claimant in support of a fee request, and the claimant must review and sign this statement, indicating whether or not they agree with the fee request made by their attorney. The Commission directs the insurer to subtract a fee from the compensation awarded to a claimant, and pay the fee directly to the attorney.[xliv]

In Maryland, fees will awarded if the claimant receives an award after a hearing, provided the claimant has signed the "consent form," or when a settlement has been approved by the Commission. The amount of the fee is determined by a schedule set forth in Commission Rule 25, and counsel need not submit any statement supporting a requested fee unless the fee sought is in excess of that provided in the schedule, in which case the claimant's written acknowledgment of the requested attorney's fee must also be provided. As in Virginia, fees are deducted from the compensation to be paid to the claimant.[xlv]

In D.C., the employer/insurer is liable for claimant's counsel's attorney's fee if it declines to pay any compensation on or before the 30th day after receiving written notice of a claim, and the claimant thereafter utilizes an attorney who successfully prosecutes the claim. If the employer/insurer pays compensation without an award and a controversy later develops

regarding the amount of further compensation owed to the claimant, an informal conference should be requested. If the employer/insurer refuse in whole or in part to accept a recommendation resulting from the informal conference within 14 days after receiving it, and the claimant thereafter uses an attorney and receives a greater amount of compensation than which has been paid pursuant to the recommendation, the employer and insurer are liable for payment of an attorney's fee based solely upon the difference between the amount awarded and the amount, if any, paid by the employer/insurer. In all other cases, such as compromise settlements, the attorney's fee shall be paid by the claimant.[xlvi]

D.C. attorney's fees are capped at 20% of the actual benefits, including medical expenses, secured through the efforts of an attorney, and a petition for attorney's fees, whether to be paid by the employer/insurer or the claimant, must include an itemization of the attorney's time and services, and the hourly billing rate of the attorney.[xlvii]

Conclusion

Where the facts regarding a claimant's employment and injury create the option of successfully bringing the claim in more than 1 jurisdiction, counsel should carefully consider the nature and extent of the claimant's injury and the applicable laws and rules of each available jurisdiction to determine where the claim should be filed to have the best chance of maximizing the claimant's benefits. Our workers' compensation clients, who often receive little or no (PPD) compensation for the pain, suffering and inconvenience caused by their injuries, deserve nothing less from us than a well-informed analysis as to where to pursue their claim.

Endnotes

i Va. Code sec 65.2-101 and 508. *See Haynes v. Hickman Plastering Co.*, 17 O.I.C. 298 (1935)

ii Md. Code LE sec 9-203; *See McElroy Truck Lines v. Pohopek,* 375 Md. 574, 826 A.2d 474 (2003).

iii D.C. Code sec 32-1503.

iv Id.

v Va. Code sec 65.2-508, *Cash v. Food Lion #179*, 76 O.W.C. 476 (1997); *Huggins v. Marine Hydraulic Int'l*, 65 O.I.C. 20 (1986); *M & G Convoy V. Mauk*, 85 Md. App. 394, 584 A.2d 101 (1991).

vi Va. Code sec 65.2-600; D.C. Code sec 32-1513.

vii Md. Code sec LE 9-704.

viii Va. Code sec 65.2-600(D); D.C. Code sec 32-1513(d); Md. Code sec LE 9-706.

ix Va. Code sec 65.2-601.

x Md. Code LE sec 9-709

xi Md. Code LE sec 9-710.

xii D.C. Code sec 32-1514.

xiii Va. Code sec 65.2-101; *Southside Va. Training Ctr v. Jones*, No. 2898-98-2 (Ct. of Appeals, Jan 11, 2000), *Dan River, Inc. v. Giggetts*, 34 Va. App 297, 541 S.E.2d 294 (2001)

xiv Md. Code LE sec 9-101(b); *Harris v. Board Of Education of Harris County*, 375 Md. 21, 825 A.2d 365 (2003).

xv D.C. Code sec 32-1501(12); *Clark v. District of Columbia Dept. Of Employment Services*, 743 A.2d 722 (2000), *Jones v. District of Columbia Dept. Of Employment Services*, 519 A.2d 704 (1987).

xvi VA: http://www.vwc.state.va.us/; MD: http://www.wcc.state.md.us/, DC: http://does.dc.gov/does/

xvii Va. Code sec 65.2-603; Md. Code LE sec 9-660, D.C. Code sec 32-1507.

xviii Va. Code sec 65.2-518; D.C. Code sec 32-1505(b).

xix Va. Code sec 65.2-101; Md. Code LE sec 9-602 and Commission Rule .07, D.C. Code sec 32-1511.

xx *County of Frederick Fire & Rescue v. Dodson*, 20 Va. App 440, 457 S.E.2d 123 (1997); *Crowner v. Baltimore United Butchers Ass'n*, 226 Md 606, 175 A.2d 7 (1961), *Deshazo v. District of Columbia Dept. Of Employment Services*, 638 A.2d 1152 (1994).

xxi Va. Code sec 65.2-500A; Md. Code sec LE 9-621(a) and 604(b), D.C. Code sec 32-1508(2).

xxii Va. Code sec 65.2-709.

xxiii Md. Code LE sec 9-621(b), 9-622(b), 9-733 and 9-674(b); *Alexander v. Montgomery County*, 87 Md. App 275, 589 A.2d 563 (1991).

xxiv *Cherrydale Heating & Air Conditioning v. District of Columbia Dept. Of Employment Services*, 722 A.2d 31 (1998).

xxv Va. Code sec 65.2-502; D.C. Code sec 32-1508(5); Md. Code LE sec 9-615, *Buckler v. Willet Constr. Co.*, 345 Md. 350, 692 A.2d 449 (1997).

xxvi Va. Code sec 65.2-503 sets forth the PPD "schedule" and authorizes payment of PPD benefits simultaneously with TPD benefits under sec 65.2-502, although "each combined payment shall count as two weeks against the total maximum allowable period of 500 weeks." D.C. Code sec. 32-1508(3).

xxvii Md. Code LE sec 9-627; *Hall v. Willard Sand & Gravel Co.*, 60 Md. App. 260, 482 A.2d 159 (1984).

xxviii Md. Code LE sec 9-628 and 9-629.

xxix Md. Code LE sec 9-630.

xxx Va. Code sec 65.2-503©.

xxxiD.C. Code sec 32-1508(1); Md. Code LE sec 9-636
xxxiiVa. Code sec. 65.2-709; Md. Code LE sec 9-638, D.C. Code sec 32-1506.
xxxiiiVa. Code sec 65.2-708 and 65.2-501.
xxxivMd. Code LE sec 9-736(b)(3).
xxxvD.C. Code sec 32-1505(b) and 32-1524.
xxxvi Va. Code sec 65.2-703 and 65.2-704; VA Workers' Compensation Commission Rules 1 and 2.
xxxvii
Md. Code LE sec 9-713, COMAR 14.09.01.14.
xxxviii Title 7 of the D.C. Municipal Regulations (7 DCMR) sets forth regulations regarding "informal procedures," and Formal Hearings; D.C. Code sec 32-1520, 32-1525 and 32-1526.
xxxixD.C. Code sec 32-1522(d) and 32-1524.
xl Va. Code sec 65.2-705, 65.2-706, 65.2-707; *Caskey v. Dan River Mills, Inc.*, 225 Va. 405, 302 S.E.2d 507 (1983).
xliVa. Code sec 17.1-410.
xlii Md. Code LE 9-737, 9-738, 9-741, 9-745 9-750; *City of Salisbury v. McCoy*, 47 MD App. 488, 424 A.2d 164 (1981); MD Rules of Procedure 2-325(d), 7-201 to7-210, 8-301 to 8-303.
xliii D.C. Code sec 32-1522 and 1-1509(e); *Muhammad v. District of Columbia Dept. Of Employment Services*, 774 A.2d 1107 (2001).
xlivVa. Code sec 65.2-714(A) and VA Workers' Compensation Commission Rule 1.7(C)(4).
xlvCOMAR 14.09.01.24 and 14.09.01.25.
xlviD.C. Code sec 32-1530.
xlviiD.C. Code sec 1530(f), 7 DCMR 224.