



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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GEANETT TYLER, )  
)  
Plaintiff, )  
)  
v. )  
)  
U.S. DEPARTMENT OF LABOR, *et al.*, )  
)  
Defendants )

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Civil Action No. 00-2163 (GK)

**FILED**

**FEB - 1 2001**

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

MEMORANDUM OPINION

Plaintiff, formerly a bus driver for the Washington Metropolitan Area Transit Authority, was injured in the course of her employment in two accidents in 1975 and 1976. She has been receiving disability benefits as a result of the accidents pursuant to the Longshore and Harbor Workers' Compensation Act ("LHWCA"). In September, 2000, Plaintiff filed this complaint *pro se*, alleging that a Department of Labor Administrative Law Judge had improperly reconsidered and reduced her benefits and had ordered recoupment of \$ 109,000, as a result of which all payments ceased.

The Administrative Law Judge asserts that she is immune from suit and has moved to dismiss the complaint against her for failure to state a claim on which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). The Department of Labor contends that this Court lacks jurisdiction over the subject matter of Plaintiff's claim and moves to dismiss pursuant to Fed. R. Civ. P. 12 (b)(1). Plaintiff has filed an opposition in which she does not address the issues of immunity and jurisdiction raised by Defendants. Upon review of Defendants' motions, Plaintiff's opposition, the relevant law, and the entire record herein, the motions to dismiss will be granted.

## I. The motion of the Department of Labor

The Department of Labor argues that Plaintiff has no exhausted her administrative remedies and that in any event judicial relief is available only from the United States Court of Appeals.

Plaintiff has been receiving disability benefits pursuant to the LHWCA, 33 U.S.C. §§ 901-950, as extended by the District of Columbia Workmen's Compensation Act. there have been a number of administrative hearings over the years, resulting in varying decisions as to whether Plaintiff's disability is total or partial. Insofar as now relevant, following a decision by the Benefits Review Board in 1993 and a decision by Administrative Law Judge Rippey in August, 1994, Plaintiff was awarded disability and medical benefits for permanent and total disability. Four months later, the employer filed a petition to modify this award, alleging that Plaintiff was able to work.<sup>1</sup> Following various decisions and appeals, the case was assigned to Administrative Law Judge Wood. In July, 2000, Judge Wood granted the petition to modify and awarded permanent partial disability benefits effective retroactive to May 19, 1994. Plaintiff filed a timely appeal to the Benefits Review Board, which is still pending.<sup>2</sup>

Plaintiff in essence seeks review of Judge Wood's decision. The statute, however, vests review of decisions of Administrative Law Judges in the Benefits Review Board, which is authorized to hear and decide all appeals raising a substantial question of law or fact. 33 U.S.C. § 921(b); 20 C.F.R. § 802.201. Review of decisions of the Benefits Review Board may be sought in the United States Court of Appeals. 33 U.S.C. § 921(c); 20 C.F.R. § 802.410. This system of appeals is exclusive. 33 U.S.C. § 921(e). The District Court has jurisdiction in LHWCA cases only over

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<sup>1</sup> The statutory basis for such a motion is 33 U.S.C. § 922.

<sup>2</sup> Judge Wood's decision is Attachment 2 to Defendant's motion to dismiss; Plaintiff's appeal is attachment 3.

proceedings to enforce a compensation order (33 U.S.C. § 921(d)), proceedings to enter judgment on a supplemental order declaring an employer in default (33 U.S.C. § 918(a)), or proceedings to punish an individual for contempt (33 U.S.C. § 927(b)). If she desires, Plaintiff may seek judicial review of Judge Wood's order in the Court of Appeals after the administrative process is concluded. This Court simply does not have jurisdiction over her claim. *E.g., Maxon Marine, Inc. v. Director*, 39 F.3d 144, 146 (7th Cir. 1994).

## II. The Motion of Defendant Wood

Defendant Wood, an administrative law judge for the United States Department of Labor, moves to dismiss on the ground that her actions of which Plaintiff complains were undertaken as part of her official judicial duties and therefore she is entitled to absolute immunity. In addition to her own memorandum she relies on the procedural history recounted in the Department's motion.

Plaintiff's claim against Judge Wood seeks only reversal of the decision of July, 2000, on the employer's claim for modification of the compensation award. There is no allegation that Judge Wood had any contact with Plaintiff other than in connection with her judicial duties. Officials performing judicial functions have absolute immunity from civil liability based on their judicial actions. *Mireles v. Waco*, 502 U.S. 9 (1992); *Forrester v. White*, 484 U.S. 219, 228-29 (1988); *Stump v. Sparkman*, 435 U.S. 349 (1978). Such absolute judicial immunity extends to quasi-judicial officers serving as administrative law judges within a federal administrative agency. *Butz v. Economou*, 438 U.S. 478, 511-14 (1978). This Defendant's motion to dismiss will be granted.

An appropriate order accompanies this Memorandum Order.

GLADYS KESSLER  
United States District Judge

DATE: Feb. 1, 2001