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ATTORNEYS AT LAW

## *CONNECTICUT WORKERS' COMP UPDATE*

The law firm of **Strunk Dodge Aiken Zovas (SDAZ)** provides you with our **SUMMER 2025 WORKERS' COMPENSATION LAW UPDATE**. Please feel free to share this update with your colleagues. If someone inadvertently has been left off our email list and would like to receive future updates, they can contact **Jason Dodge** at [jdodge@ctworkcomp.com](mailto:jdodge@ctworkcomp.com) or 860-785-4503.

### **STRUNK DODGE AIKEN ZOVAS NEWS**

**Heather Porto of SDAZ** was named **2026 "Lawyer of the Year"** by Best Lawyers for Workers' Compensation Law-Employers in the Hartford region. Congratulations to Heather for this prestigious honor!



**Attorney Heather Porto**

**Attorneys Anne Zovas, Lucas Strunk, Richard Aiken, Heather Porto, Philip Markuszka, Courtney Stabnick, Jason Dodge and Richard Stabnick of SDAZ** have been selected by their peers for recognition of their professional excellence in Workers' Compensation- Employers in the 32<sup>nd</sup> edition of *The Best Lawyers in America*.

**Strunk Dodge Aiken Zovas** has been named by Best Lawyers as a 2024 Tier 1 "Best Law Firm." Best Lawyers is the oldest and most respected lawyer ranking service in the world. The U.S. News – Best Lawyers® "Best Law Firms" rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in the field, and review of additional information provided by law firms as part of the formal submission process.

**Courtney Stabnick of SDAZ** was named **2024 "Lawyer of the Year"** by Best Lawyers for litigation-insurance in the Hartford region.

**Attorney Katie Dudack of SDAZ** has been appointed to serve as Vice President of the Hartford County Bar Foundation (HCBF). The Foundation is the charity arm of the Hartford County Bar Association and provides grants to assist the poor, disabled and homeless in the greater Hartford area. Attorney Dudack is dedicated to the work of the Foundation as a means for lawyers in the Hartford area to give back to the community. The Foundation holds fundraising events throughout the year including a road race in the Spring which Atty Dudack co-chairs and an upcoming Battle of the Bands to be held in the fall.

On June 13, 2025 the Connecticut Bar Association Connecticut Legal Conference was held at the Hartford Convention Center. A seminar was presented regarding recent developments in Connecticut Worker's Compensation. **Attorney Christopher Buccini of SDAZ** was a moderator for the event in his role as the Chair of the Workers' Compensation Section of the CBA. **Attorney Courtney Stabnick of SDAZ** made a presentation along with Attorney Jonathan Dodd regarding Workers' Compensation subrogation, lien reimbursement and moratoriums. Chief Administrative Law Judge Stephen Morelli provided an update to the attendees regarding the Workers' Compensation Commission in Connecticut. Judge Morelli indicated that the Commission website would be revised in the near future; he hoped that e-filing would be introduced to the Commission as well. He stated that e-filing would be similar to that which is now done in the Connecticut Superior Court.

**Attorney Christopher Buccini of SDAZ** is Chairman of the Workers' Compensation Section of the Connecticut Bar Association. **Attorney Maribeth M. McGloin** is Secretary of the Section.

We are excited to announce that SDAZ has hired a new attorney, Kylee R. Santos. Attorney Santos received her Bachelor of Arts degrees in sociology and human development family studies with a minor in political science from the University of Connecticut in 2021. She graduated Cum Laude from Quinnipiac University School of Law in 2024. Attorney Santos is admitted to practice in Connecticut. Attorney Santos represents self-insured and insured employers as well as municipalities before the Connecticut Workers' Compensation Commission. Prior to joining Strunk Dodge Aiken Zovas, Attorney Santos gained litigation experience representing children and families in the Connecticut Superior Courts for Juvenile Matters.



**Attorney Kylee R. Santos**

**Attorneys Richard Aiken, Jason Dodge, Lucas Strunk and Anne Zovas** were named Super Lawyers for 2024 in the field of workers' compensation law. **Attorneys Christopher D'Angelo, Ariel MacPherson Philip Markuszka and Matthew Sacco of SDAZ** were named "Rising Stars" in workers' compensation law.

**Attorneys Anne Zovas, Richard Aiken, Lucas Strunk, Jason Dodge and Richard Stabnick of SDAZ** have received an AV rating by Martindale-Hubbell. Martindale-Hubbell states that the AV rating is "The highest peer rating standard. This is given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers."

**The 27th Annual Verrilli-Belkin WC Charity Golf Event** is being held on September 8th at Shuttle Meadow Country Club in Kensington. This is a fantastic event (regardless of skill level!) with all proceeds going to the Connecticut Foodshare, an organization that provides meals to those in Connecticut who struggle with food insecurity. Last year this event generated a donation of nearly \$12,500 which provided more than 25,000 meals to those in need. The outing is for Connecticut Bar Association members and primarily those in the Workers' Compensation Section. **Attorney Richard Aiken of SDAZ** organizes this golf outing every year.

**Strunk Dodge Aiken Zovas has been named the Connecticut representative of the National Workers' Compensation Defense Network.** The NWCDN is a nationwide network of workers' compensation defense law firms that partner with other attorneys to provide clients with expertise, education, and guidance in the field of workers' compensation. Only one firm per state is selected for this prestigious organization. If representation is needed in a state outside of Connecticut, the NWCDN network provides a vetted list of law firms that can provide excellent legal assistance to clients of **SDAZ**.

**Kids' Chance of Connecticut** will have its annual Charity Golf Outing on Monday, September 29, 2025 at the Glastonbury Hills Country Club. This charity provides educational scholarships to the children of Connecticut workers who have been seriously or fatally injured in work-related accidents. **Attorney Phil Markuszka of SDAZ** is a member of the Board of KCOC; **Jason Dodge of SDAZ** is a former Treasurer and Scholarship Chair. Follow the below link for more information regarding the Golf event.

[2025 Charity Golf Outing - Kids' Chance of Connecticut](#)

**Kids' Chance of CT**  
2025 Annual  
**Charity Golf**  
Outing & Fundraiser

**Register today!**  
\$250 / golfer  
\$900 / foursome  
Sponsorship opportunities available now!

**Monday, September 29<sup>th</sup>, 2025**  
Registration  
& Driving Range: 9:30 - 11:30 am  
Lunch: 10:30 - 11:30 am  
Tee Off: 11:30 am  
Cocktail Reception: 5:00 pm  
Dinner: 6:00 pm

**Glastonbury Hills COUNTRY CLUB**  
239 Country Club Road  
South Glastonbury, CT 06073

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**Team Scramble Golf** **Food, Drinks & Networking** **Live Auction Teacup Raffle** **Meaningful Impact**

[kidschancect.org](https://kidschancect.org) | Questions? Contact [info@kidschancect.org](mailto:info@kidschancect.org)

All proceeds go to benefit Kids Chance of Connecticut, a non-profit 501(c)(3) charitable organization that provides scholarships to children of Connecticut workers who are catastrophically injured or killed on the job.

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SDAZ can provide your company with seminars regarding Connecticut Workers' Compensation issues. Please contact us about tailoring a seminar to address your needs.

We do appreciate referrals for workers' compensation defense legal work. When referring new files to SDAZ for workers' compensation defense please send them to one of the attorneys' email: [azovas@ctworkcomp.com](mailto:azovas@ctworkcomp.com), [raiken@ctworkcomp.com](mailto:raiken@ctworkcomp.com), [lstrunk@ctworkcomp.com](mailto:lstrunk@ctworkcomp.com), [jdodge@ctworkcomp.com](mailto:jdodge@ctworkcomp.com), [HPorto@ctworkcomp.com](mailto:HPorto@ctworkcomp.com), [nberdon@ctworkcomp.com](mailto:nberdon@ctworkcomp.com), [cstabnick@ctworkcomp.com](mailto:cstabnick@ctworkcomp.com), [cbuccini@ctworkcomp.com](mailto:cbuccini@ctworkcomp.com), [pmarkuszka@ctworkcomp.com](mailto:pmarkuszka@ctworkcomp.com), [cdangelo@ctworkcomp.com](mailto:cdangelo@ctworkcomp.com), [amacpherson@ctworkcomp.com](mailto:amacpherson@ctworkcomp.com), [rstabnick@ctworkcomp.com](mailto:rstabnick@ctworkcomp.com), [mmcgloin@ctworkcomp.com](mailto:mmcgloin@ctworkcomp.com), [ksantos@ctworkcomp.com](mailto:ksantos@ctworkcomp.com) or by regular mail. We will respond acknowledging receipt of the file and provide you with our recommendations for defense strategy.

Please contact us if you would like a copy of our laminated "Connecticut Workers' Compensation at a glance" that gives a good summary of Connecticut Workers' Compensation law to keep at your desk.

## LEGISLATIVE UPDATE

The legislature in the 2025 session attempted a "fix" of what many viewed as an incorrect decision from the Connecticut Supreme Court, *Gardner v. Department of Mental Health and Addiction Services*, 351 Conn. 488 (March 18, 2025) (see below review of that decision). As a result of *Gardner*, the Administrative Law Judges were given discretion to award ongoing temporary partial benefits notwithstanding that the claimant may have achieved maximum medical improvement. This was viewed as a significant expansion of employers' exposure for workers' compensation benefits.

The 2025 legislation (Public Act 25-12) is designed to resolve the expansion of benefits brought by the *Gardner* decision and involved some give-and-take between those legislators who believed that certain benefits should be increased and those that did not want the *Gardner* decision to be applied. The legislation made the following changes:

- For all claims from July 1, 1993 forward, a Judge shall be required to establish maximum medical improvement and place the claimant on permanency benefits if the claimant is receiving temporary partial benefits. If the claimant is totally disabled, he/she will be entitled to ongoing benefits for total disability notwithstanding the fact that he/she may have been placed at maximum medical improvement.
- For claims on and after July 1, 2025, C.G.S. § 31-308(b) will be expanded to allow for permanency of the esophagus (180 weeks) and the intestinal tract (347 weeks). Additionally, the permanency benefits for the cervical spine shall be increased from 117 weeks to 208 weeks.
- For any death claim where there is no presumptive dependent or dependent in fact, the parents of the decedent employee shall be entitled to receive benefits for 312 weeks.
- C.G.S. § 31-308a was amended to allow for a supplemental 60 weeks of post-specific benefits, inclusive of any benefits awarded pursuant to § 31-308a(a). To qualify for benefits under this provision, the claimant must be unable to perform his/her usual work and either be actively engaged in a vocational rehabilitation service or equivalent program, or have completed this service or program.
- A working group will be established “to study rehabilitation services available” to employees with work injuries. The working group will review whether rehabilitation services are adequately funded and will consider incentives, including stipends, to encourage the utilization of rehabilitation services.

The only retroactive application of the statute deals with the *Gardner* decision and essentially states that for all claims from July 1, 1993 to the present time a Judge must award permanent partial disability benefits if maximum medical improvement has been reached and the claimant is capable of work. We have some question as to whether this retroactive legislation will stand up to judicial review. In Connecticut, normally the “date of injury” rule will apply, which means that the version of the statute in effect as of the date of injury controls what the rights and liabilities of the parties are. This retroactive legislation is counter to that rule. Moreover, there is question as to whether the retroactive application of this substantive change to the statute will pass constitutional muster under both the state and federal constitutions.

The permanency for the esophagus and intestinal track probably will not affect many claims. On the other hand, the increase of permanency for the neck will provide enhanced benefits to many injured employees. The increase in permanency for the



neck seems to make sense when compared to the number of weeks that are allowed for permanency to the lumbar spine (374 weeks).

The expansion of death benefits to parents of a deceased employee was brought about by the recent death of a young State of Connecticut employee who was struck by a drunk driver while he was working on a road crew. No workers' compensation benefits were paid since the young worker was not married. Many found this result to be unfair and therefore sought this legislative change.

The increase of § 31-308a benefits to 60 weeks may provide a substantial increase to injured workers who are not able to return to their normal jobs and/or who have been assessed low permanency ratings. It will also likely increase the number of individuals who will be willing to participate in the state's vocational retraining program. The legislation as passed is vague as to whether there are 60 weeks of benefits for each body part that is injured or whether 60 is the total number of supplemental weeks regardless of the number of body parts involved. We expect claimants' counsel will attempt to seek supplemental awards of 60 weeks for each body part that is injured.

We interpret the statutory changes to § 31-308a to allow the employer to take credit for any § 31-308a benefits previously paid. For example, if the claimant had been paid a permanency award of 10% of the lumbar spine and received 37.4 weeks of § 31-308a benefits then the net additional benefits that could be claimed amounts to 22.6 weeks (60 supplemental weeks minus the 37.4 weeks previously paid). If this interpretation is correct then the claimants who have received a lower number of weeks of § 31-308a previously will benefit more from this new legislation; for example, a claimant who received a 5% of the leg and equivalent § 31-308a benefits for 7.75 weeks might be able to receive an additional 52.25 weeks.

Should you have any questions regarding this new legislation, please do not hesitate to contact us.

## CONNECTICUT WORKERS' COMPENSATION COMMISSION NEWS

### NEW STATUTE BOOKS

The Commission has just released new red statute books with all of the Connecticut Workers' Compensation statutes, regulations and related statutes in it. If anyone needs a copy please contact us and we will send a book to you.

### MEMORANDUM 2025-02

Effective July 7, 2025, where a claimant cancels a scheduled Commission Medical Examination **less than two business days prior to the date of the examination**, the Commission recommends that the physician's office limits the cancellation fee

to **\$300.00**. There shall be no cancellation fee assessed for CMEs cancelled more than two business days prior to the exam. Where a claimant fails to attend a Commission Medical Examination and does not call or otherwise alert the physician's office prior to the appointment time, the Commission recommends that the physician's office limit the no show fee to **\$450.00**.

In either situation, when determining responsibility for the payment of the late cancellation or no-show fee, the parties and the administrative law judge should implement a fault-based approach that takes into account the circumstances surrounding the claimant's failure to attend the examination.

## **MEMORANDUM 2024-07**

Memorandum 2024-07 has been issued by Chief Administrative Law Judge Morelli regarding maximum compensation rates. The Chairman has ordered that the maximum total disability rate for injuries occurring after October 1, 2024 is **\$1,654.00** (based on the estimated average weekly wage of all employees in Connecticut). The maximum temporary partial/permanent partial disability rate for accidents after October 1, 2024 is **\$1,191.00** (based on the average weekly earnings of production and related workers in manufacturing in Connecticut).

## **BURIAL EXPENSES**

As of January 1, 2025, the burial fee for deaths covered under the Workers' Compensation Act is \$14,371.23 based on the overall 2024 CPI-W increase for the northeast of 3.5%. Connecticut General Statutes Section 31-306 was amended in 2021 to reflect that the compensation for burial benefits will be adjusted by the percentage increase in the consumer price index for urban wage earners and clerical workers in the Northeast as defined in the United States Department of Labor's Bureau of Labor Statistics.

## **MILEAGE REIMBURSEMENT**

As of January 1, 2025 the mileage reimbursement rate is 70 cents per mile.

Previously on January 1, 2024, the mileage reimbursement rate was 67 cents per mile, on January 1, 2023 the mileage rate had been 65.5 cents per mile and as of July 1, 2002 the rate had been at 62.5 cents per mile.

## **MEMORANDUM 2024-03**

Effective July 1, 2024, wage statements should be attached to all Voluntary Agreements. If the claimant is concurrently employed, wage statements from all employers should be included with



the submission. Failure to attach a wage statement(s) will result in the rejection of the Voluntary Agreement.

## **WORKERS' COMPENSATION PORTAL**

The Commission does have a website where you can look up such information as to whether a hearing is assigned, list of all claims for an employee, status of a Form 36, and interested parties. This is quite a useful site and is a different website than the Commission's main site. It can be found at:

<http://stg-pars.wcc.ct.gov/Default.aspx>

## **NEW COMPENSATION REVIEW BOARD PANEL**

The new CRB panel beginning January 1, 2025 will be Administrative law Judges Peter C. Mlynarczyk and Daniel E. Dilzer along with Chief Administrative Law Judge Morelli.

## **CASE LAW**

### **PATRICIA BUCHANAN, SURVIVING SPOUSE OF PAUL BUCHANON V. TOWN OF EAST HARTFORD/POLICE DEPARTMENT, 233 Conn. App. 698 (2025), pet. Cert pending**

The claimant was a police officer with a municipal employer. Throughout his career he was exposed to dangerous and stressful situations. On January 15, 2013 he was at a fire during work that was described as chaotic; the officer had some smoke inhalation as a result of this. The officer had been treating for emotional/mental health issues. On March 12, 2013 he committed suicide while at work. A claim for widow benefits was sought with the date of accident March 12, 2013. The Trial Judge concluded that the decedent did have PTSD and that it was an occupational disease but that it was not secondary to a physical injury. The Judge found that the claimant had major depression per the respondent examiner's opinion and that the death of the decedent was due to that and prescription medication management issues. The Judge dismissed the claim. On appeal the CRB determined that the Judge's decision was "clearly erroneous" and misapplied the law to the facts. The Board found that the case was a "mental-physical" claim with the physical injury being the gun shot that led to the death of the decedent. The CRB cited the heart attack case of *Chesler v. Derby*, 96 Conn. App. 207 (2006), cert. denied, 208 Conn. 909 (2006) in support of its decision and the case of *Biasseti v. Stamford*, 250 Conn. 65 (1999) (claimant's psychiatric injury an

occupational disease but not compensable since not due to physical injury). The Board reversed the dismissal.

The Appellate Court, however, reversed the CRB decision and concluded that the ALJ had correctly dismissed the case. The Court stated: "It is not the role of the board or this court to disturb the administrative law judge's credibility determinations when those determinations are supported by evidence in the record."

The claimant will be filing a petition for certification to the Connecticut Supreme Court regarding this case; it remains to be seen whether the Court will agree to hear the case.

**GUZMAN V. SERVICE UNLIMITED USA, INC., 700107985 (THIRD DISTRICT, JUDGE FENLATOR, APRIL 21, 2025)**

In this trial level decision, the claimant fell from a ladder and sustained injuries to his ankles and legs. The claimant alleged that he was an employee of Iban Cevallos who did not have workers' compensation coverage. Mr. Cevallos denied that the claimant was his employee and contended that he was an independent contractor. There was testimony that Service Unlimited USA, Inc. had paid the claimant for other work but not this job. Judge Fenlator found that the claimant was an employee of Cevallos and benefits were owed; the Finding was based on the fact that Cevallos had negotiated the contract for the painting work, furnished the tools and materials to the claimant, and provided instructions to the claimant as to how the work was to be performed. All claims against Service Unlimited USA, Inc. were dismissed. **Attorney Philip Markuszka of SDAZ successfully defended the claim on behalf of Service Unlimited USA, Inc.**

**CHINN V. MCDONALD'S RESTAURANT, 6555 CRB-2-24-9 (June 13, 2025)**

The finding of a compensable left hand injury was affirmed by the Compensation Review Board on appeal. The respondents contended that there was video evidence that the alleged injury at work did not occur as alleged by the claimant, however, there were acknowledged "gaps" in the video evidence presented by the respondents. The Judge found that claimant credible re the report of injury and the medicals, including the RME report, supported causation of the wrist injury to work. Accordingly, the injury was found compensable.

**SIMMONS V. FEDERAL EXPRESS, 6548 CRB-7-24-7 (June 13, 2025)**

At the trial level a Motion to Preclude was granted because of late filing of a Form 43. The respondents contended that service of the Form 30C was not valid and that the claimant should have tried “alternative” methods of service other than just mailing of certified mail. The claimant did serve the Commission and employer with certified mailing of the Form 30C; the respondents notice was returned to the claimant with the note “refused and return to the sender.” At the formal hearing the claimant testified regarding the alleged repetitive trauma that caused his back injury. The Trial Judge found the claimant credible and that he had medical support from the treating physician. On appeal the respondents contended that the claimant through preclusion was trying to “inequitably manufacture compensability.” On appeal the CRB affirmed the preclusion and noted that the respondents should not have had the opportunity to cross-examine the claimant on the merits in view of the preclusion.

#### **JASINSKI V. BUDNEY OVERHAUL & REPAIR, LTD 6547 CRB-6-24-7 (June 20,2025)**

The claimant was at work at the employer’s place of business when he fell backwards and hit his head on the ground. The claimant was a milling machine operator. He testified that it felt hot at the time of the fall. Prior to the fall he had bent down to retrieve a wrench. He felt dizzy and then stood up; he does not recall what happened thereafter. The claimant did not have a prior history of fainting or seizures. The trial judge found that the injury was “not idiopathic in nature but unexplained.” The judge concluded that the respondents had failed to rebut the presumption of compensability. At the formal hearing the claim was found compensable. On appeal, the respondents contended that there was no causal relationship between the fall and employment and therefore the claim should not have been found compensable. The Compensation Review Board affirmed the finding of compensability and that there was a presumption of compensability in this case based on *Saunders v. New England Collapsible Tube Company*, 95 Conn. 40 (1920). The CRB found that the respondents had not rebutted the presumption of compensability. In support of the finding the Board cited the case of *Clements v. Aramark Corp.*, 339 Conn. 402 (2021), and agreed that no evidence was presented that the claimant’s fall was idiopathic in nature, that is, due to a personal infirmity. Respondents in this type of situation in order to defend the claim need to present medical evidence that the fall was due to the claimant’s personal infirmity as was done in the case of *Post v. Raytheon Technologies/Pratt & Whitney*, 6524 CRB-8-23-12 (September 6, 2024), appeal pending, AC 48047, a case successfully defended by **Attorney Jason Dodge of SDAZ**.

#### **MILEY V. PARK CITY COMMUNITIES/BRIDGEPORT HOUSING AUTHORITY, 6536 CRB-4-24-3 (June 20, 2025)**

The Compensation Review Board affirmed a finding and award of TP benefits under Connecticut General Statutes Section 31-308(a) and medical treatment. The claimant had two injuries at work; the first in 2015 for an acute injury and the second in 2021 based on repetitive trauma. There was testimony from treating doctors, a RME and CME re

causation and work capacity. The Board concluded that there was sufficient evidence in the records to support the award of benefits.

**KANDIC V. REA MAGNET WIRE COMPANY, INC., 6540 CRB-5-24-4 (July 2, 2025), appeal pending AC 48960**

The Claimant brought a claim that emotional stress at work on December 5, 2019 caused a compensable personal injury under the Workers' Compensation Act and associated with that claim, he additionally sought compensability of a cardiac stent procedure and a psychiatric claim, all of which claims were denied and disputed by the Respondents. Formal hearings occurred to address three issues of compensability: (1) did the Claimant sustain a compensable personal injury on December 5, 2019 that arose out and in the course of his employment due to alleged emotional work-related stress, (2) if he did have a compensable personal injury, was it a substantial contributing factor to the need for the insertion of the stent and (3) was the alleged psychiatric claim compensable pursuant to C.G.S. §31-275(16)(B) and its requirement that the Workers' Compensation Act does not cover mental or emotional impairments unless they arise from a physical injury or occupational disease. The Trial Administrative Law Judge issued a March 4, 2024 Finding and Award/Dismissal that found the Claimant had a compensable workers' compensation claim for workplace emotional distress being a substantial contributing to the need for the initial medical treatment and testing on the day of injury as the emotional stress caused his blood pressure to raise, which then caused ischemia due to a pre-existing artery blockage, but the Trial Judge found that the stent procedure was not compensable as the emotional stress was not a substantial contributing factor to the need for that treatment as it was related to his pre-existing coronary artery disease and he also dismissed the psychiatric claim as it did not arise from a compensable physical injury as the ischemia caused symptoms but not a physical injury. The Claimant-Appellant filed Motions for Articulation, Reconsideration and to Correct, which were all denied in their entirety, and he also filed an appeal to the Compensation Review Board. The CRB upheld the Trial Judge's decision, finding that there was sufficient evidence in the record to support his findings and conclusions, that he applied the correct standard of law and that he was within his discretion in making his credibility assessments of the evidence and medical opinions. Additionally, no error was found in the Trial Judge's denial of the Claimant's post-judgment motions. **Attorney Maribeth McGloin of SDAZ** successfully defended this case.

**STEBBINS V. WALSH CONSTRUCTION COMPANY, 6421 CRB-8-21-4 (AUGUST 1, 2025)**

In a decision which is not favorable to respondents, the Compensation Review Board affirmed a finding that the claimant was entitled to a rating of 14% of the left upper

extremity as a result of a May 21, 2015 injury without credit for any prior permanency paid, notwithstanding the fact that the claimant had prior 1997 and 1998 work-related injuries to the same left shoulder for which a permanent impairment of the left shoulder had been assessed. The claimant worked for Mather Corporation and sustained injuries at work 1997 in 1998 involving a fracture of the posterior glenoid of the left shoulder. Surgery was performed. Dr. Paret; the treating physician rated the claimant on August 13, 1999 at 20% of the left shoulder. The claimant settled all of his claims with Mather Corporation for \$115,000 in 2009; within the settlement agreement the claimant alleged that he was entitled to 25% of the left shoulder (although there was no rating of 25% in existence at the time). There apparently was no voluntary agreement put in place for the permanency rating of Dr. Paret. Subsequently, the claimant worked for Walsh Construction Company and on May 21, 2015 sustained a biceps and supraspinatus tendon injury at work which required surgery. Ultimately, the treating physician for that injury, Dr. Daigneault, assessed an impairment of 14% of the left upper extremity. The claimant sought benefits for the entire 14% rating. The respondents representing the 2015 employer resisted paying the full impairment contending that they were entitled to credit for the prior 20% rating of the left shoulder assessed by Dr. Paret. The Administrative Law Judge and the Compensation Review Board did not allow a credit contending that after the July 1, 1993 statutory changes permanent impairment was restricted to body parts outlined in Section 31– 308(b). The CRB found that “in light of the respondent’s inability to persuasively demonstrate the extent to which the permanency benefits associated with Dr. Daigneault’s impairment rating to the decedent’s upper extremity could reasonably be “subsumed” into Dr. Paret’s prior impairment rating for that the decedent’s shoulder, we affirm the Commissioner’s decision to award the full amount of permanency benefits associated with Dr. Daigneault’s disability rating.” Based on this case, respondents should only pay permanent impairment based on the upper extremity and not accept solely a permanent impairment rating of the shoulder. The treating physician should be requested to translate any shoulder rating to the arm, an exercise which may result in a decreased rating.

#### **WEST V. CITY OF HARTFORD, 6551 CRB-6-24-8 (August 8, 2025)**

The claimant was a City of Hartford police officer who went out of work in April 2019 secondary to anxiety and depression due to an alleged hostile work environment. On May 3 2019, he was at home and attempted to break up a dispute between his sister and another woman. Another man became involved in the dispute and hit the claimant with a baseball bat. The claimant alleged his psychiatric and neurologic injuries due to the May 3, 2019 incident were compensable pursuant to Connecticut General Statutes Section 54-1f(b) in that he was acting in his role as a police officer, notwithstanding that he was off duty at his home. The claim was dismissed by the administrative law judge and that finding was affirmed on appeal. It was found that the claimant did not sustain

his burden of proof that he had a compensable injury that arose out of and in the course of his employment on May 3, 2019. It was noted by the Compensation Review Board that the claimant did not file either a motion to correct or a motion for articulation of the Administrative Law Judge's decision. The Board indicated that they would not disturb the judge's factual decision that the claimant was not acting in his capacity as a police officer at the time of the incident.

## **UPCOMING CASES TO BE ARGUED ON APPEAL**

### **EILEEN POST V. RAYTHEON TECHNOLOGIES/PRATT & WHITNEY, 6524 CRB-8-23-12 (September 6, 2024), appeal pending AC 48047**

The claimant alleged that she fell at work on the company premises on February 14, 2022 causing a fracture to her left leg. While the respondents acknowledged that the claimant fell at work they denied liability in the case. The respondents contended that the claimant's injury did not "arise out of" her employment; rather, respondents asserted that the claimant's fall was because of a pre-existing, non-occupational foot drop. The claimant had several prior left hip surgeries which caused a foot drop. As a result of this, the claimant became more susceptible to falling. The claimant did wear a brace on her left ankle to stop falls although she admitted that it was uncomfortable. The claimant fell at a restaurant outside of work in January 2022, one month before the work accident. A fellow worker testified that he saw the claimant prior to the work accident, and she was having difficulty walking. The claimant came in to work early in the morning and was walking to her workstation at the time of the fall. Following the fall, the claimant reported to numerous medical providers that she had fallen on rock salt. At the formal hearing, however, the claimant acknowledged that she did not see any rock salt at the time of her fall but did say that there had been rock salt outside of work as she entered the premises. The claimant also testified at the formal hearing that there may have been a small puddle of water on the floor where she fell. The claimant did not know why she fell, however. The respondents presented the testimony of Dr. Raymond Sullivan, a foot specialist, who opined that the claimant's pre-existing left foot drop was a substantial factor in causing her fall at work. The Administrative Law Judge concluded that Dr. Sullivan's testimony was persuasive that the claimant's foot drop was a substantial factor in causing the fall. The Judge found there was no credible or persuasive evidence that there was rock salt on her shoe when she fell or that there was water on the floor. The Judge dismissed the claim concluding that the fall was caused solely by her left foot drop condition. The Compensation Review Board affirmed the dismissal on appeal finding that the record was "devoid of evidence that any workplace condition or activity contributed to the claimant's injury." The Board found that the respondents had successfully rebutted any presumption of compensability. This case is now on appeal to the Appellate Court of Connecticut. Oral argument before the Appellate Court is scheduled for September 4, 2025. This claim was successfully defended by **Attorney Jason Dodge of SDAZ**.

**ACRONYMS USED IN CONNECTICUT WORKERS' COMPENSATION:**

ACRONYMS/ABBREVIATIONS	MEANING OR USE
ALJ	Administrative Law Judge.



AOE	Arising from employment.
App Ct	Appellate Court.
AWW	Average weekly wage. Generally, the average wage we use based on the gross earnings from 52 weeks of wages before work accident.
AX	Abbreviation of accident in medical or adjuster notes.
CHIRO	Abbreviation for chiropractor.
CME	Commission Medical Exam. An exam scheduled by the Judge to address issues re diagnosis, work capacity, mmi and causation. Usually scheduled after conflicting doctor opinions are produced by the parties.
CMS	Centers for Medicare and Medicaid Services. Amongst other things, CMS reviews Medicare set aside accounts (MSA's) to determine if they properly protect Medicare's interest in settlement of workers' compensation claims.
COE	Course of employment.
CR	Compensation Rate. The actual rate on weekly basis paid to an injured worker. Calculated based on the injured worker's tax filing status and applying that to the average weekly wage.
CRB	Compensation Review Board. Three-member board that reviews on appeal workers' compensation decisions from Judges.
DEPO	An oral statement under oath where attorneys on both sides are allowed to pose questions to the deponent.
DJD	Degenerative joint disease.

DOI	Date of injury.
EE	Employee
ER	Employer
ESI	Epidural Steroid Injection. Used by pain management specialists to treat spine injuries.
FCE	FUNCTIONAL CAPACITY EVALUATION: Generally, an examination performed by a physical therapist to determine what restrictions an injured worker has regarding work capacity.
FD	Full duty.
FROI	First report of injury.
HX	Abbreviation for history in medical notes.
IND	Indemnity: the weekly wage loss payment made to an injured employee.
LD	Light duty.
MBB	Medial Branch Block. Injection to spine by pain management specialist. Usually, a precursor to RFA procedure.
MCP	Medical Care Plan. A list of doctors that have been approved by the Chairman office for an employer; injured workers for an approved MCP must treat with only the doctors in the MCP. In general, most employers do not have an approved MCP.

MMI	Maximum medical improvement. The point where functionally there is likely not going to be improvement in the future. It is our goal to get the employee to this point as early as possible.
MSA	Medicare Set-aside account. The amount of money set aside for future medical treatment at the time of settlement of a work injury. Often, the MSA is reviewed and approved by CMS.
NCM	Nurse case manager. A nurse assigned by an insurance carrier to assist the injured worker in scheduling tests, exams, PT and surgery.
NOA	Notice of appearance: generally filed by counsel with commission and all parties when they enter the case.
OH	Occupational health.
OTC	Over the counter, generally refers to non-prescription medications
OTC	Occupational therapy.
PA	Physician Assistant
PPD	Permanent partial disability. The level of ratable impairment to a particular body part; usually only given at mmi.
PT	Physical Therapy
RFA	Radiofrequency Ablation. Surgical procedure using radiofrequency waves to create heat and kill tissues. Can be used for spine pain.
RME	Respondent medical examination (used to be called Independent medical Examination: IME). An examination scheduled by the respondents/employers/carriers to address work capacity, causation, permanency, maximum medical improvement etc.

RPI/Rep Trauma	Repetitive trauma injury such as carpal tunnel or hearing loss claim.
SED	Sedentary duty.
SOL	Statute of Limitations, generally referring to the time period within which a civil claim in superior court can be filed.
SSDI	Social Security Disability (not regular retirement benefits). A federal program for disabled individuals. Generally, people receiving this benefit are on Medicare and receive monthly indemnity payments.
STIP	Abbreviation for stipulation: generally, refers to full and final settlement document approved by the Administrative Law Judge.
Sup Ct	Supreme Court
SX	Abbreviation for surgery.
TKR	Total knee replacement.
TP	Temporary partial disability. Paid to injured employee when they are capable of light or sedentary work and not their regular job.
TT	Temporary Total disability. Paid when an injured employee cannot perform any work.
WCC	Workers' Compensation Commission