

CASE NO. 3181 CRB-6-95-10

PETER SPANO  
CLAIMANT-APPELLANT

: COMPENSATION REVIEW BOARD

v.

FRANK TETI SIDING  
EMPLOYER  
NO RECORD OF INSURANCE

: WORKERS' COMPENSATION  
COMMISSION

and

SECOND INJURY FUND  
RESPONDENT-APPELLEE

: MARCH 19, 1997

APPEARANCES:

The claimant was represented by Diane R. Chace, Esq.,  
Weber & Marshall, P.O. Box 1568, 24 Cedar St., New  
Britain, CT 06050-1568.

The employer did not appear at oral argument.

The Fund was represented by Michael Belzer, Esq.,  
Assistant Attorney General, P.O. Box 120, 55 Elm St.,  
Hartford, CT 06141-0120.

This Petition for Review from the October 2, 1995  
Finding and Award of the Commissioner acting for the  
Sixth District was heard August 30, 1996 before a  
Compensation Review Board panel consisting of the  
Commission Chairman Jesse M. Frankl and  
Commissioners George Waldron and Robin L. Wilson.

## OPINION

JESSE M. FRANKL, CHAIRMAN. The claimant has petitioned for review from the October 2, 1995 Finding and Award of the Commissioner acting for the Sixth District. In that decision, the trial commissioner held that the claimant failed to establish that Dr. Owens was an authorized treater for the claimant's compensable injury. In support of his petition for review, the claimant contends that the trial commissioner failed to hear all of the evidence because he closed the record without holding a final formal hearing which was scheduled for September 13, 1995.

The trial commissioner's October 2, 1995 Finding and Award was based upon formal hearings held on June 5, 1995 and July 28, 1995. The claimant states in his appeal brief that the June 5, 1995 formal hearing was "continued to July 28, 1995 for the claimant to produce medical reports and for the record to be closed." (Claimant's Brief at p. 1). The claimant mailed<sup>1</sup> said medical reports and bills from Dr. Owens on July 13, 1995. The claimant further states that at the July 28, 1995 formal hearing, the Fund requested a continuance in order to formulate its objection to Dr. Owens' medical bills which had been submitted by the claimant. The claimant does not state whether the trial commissioner agreed to conduct a further formal hearing.

The claimant further contends that on August 7, 1995 the Fund filed a Form 43 denying treatment by Dr. Owens and that on August 11, 1995 the Fund filed a written objection to payment of treatment by Dr. Owens on the basis that he was never

authorized to treat the claimant. A formal hearing was scheduled for September 13, 1995. The claimant contends that he appeared at the September 13, 1995 scheduled hearing; that the Fund was not prepared to go forward at that time due to its inability to locate the file; and that the claimant requested that the formal hearing be rescheduled. We note that the claimant does *not* contend that the trial commissioner on September 13, 1995 agreed to schedule a further formal hearing.

Without any transcripts to substantiate the claimant's contentions, we are unable to engage in meaningful review and cannot properly consider this appeal in accordance with § 31-301. Hebert v. RWA Roofing & Sheet Metal, 13 Conn. Workers' Comp. Rev. Op. 43, 44, 1750 CRB-2-93-6 (Dec. 6, 1994) (citing Nevers v. Environmental Waste Removal, 10 Conn. Workers' Comp. Rev. Op. 96, 1166 CRD-5-91-1 (1992)).

The claimant's appeal is dismissed.

Commissioners George Waldron and Robin L. Wilson concur.

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<sup>1</sup> When documents are being submitted as exhibits, the proper procedure is to hold a formal hearing for such submission so that the opposing party has an opportunity to address the submission of the documents on the record.