

CASE NO. 3448 CRB-3-96-10
CLAIM NO. 0300020882

: COMPENSATION REVIEW BOARD

MARGARET VASTOLA
CLAIMANT-APPELLANT

: WORKERS' COMPENSATION
COMMISSION

v.

A.C.E.S.
EMPLOYER

: MARCH 3, 1998

and

CONNECTICUT HOSPITAL ASSOCIATION
WORKERS' COMPENSATION TRUST
INSURER
RESPONDENTS-APPELLEES

RULING ON MOTION TO SET ASIDE

The Compensation Review Board issued a Dismissal Order in Vastola v. A.C.E.S., 3448 CRB-3-96-10, on January 16, 1998. In that order, we noted that the claimant's petition for review was filed on October 8, 1996, more than ten days after the date of the trial commissioner's September 26, 1996 decision. Pursuant to § 31-301(a), the appeal was untimely, and had to be dismissed. (The claimant also filed no documents in support of her appeal.) The claimant has filed a motion dated January 26, 1998, requesting that we set aside our previous ruling and consider the brief submitted along with the motion.

Contrary to the assertion of the claimant, we do not have discretion to reopen this case and restore it to the docket for further proceedings. When an appeal is filed more than ten days after the commissioner's decision is sent, this board lacks subject matter

jurisdiction to consider it. See Conaci v. Hartford Hospital, 36 Conn. App. 298 (1994).

We are not free to follow the more liberal Appellate Court procedure on that issue.

Therefore, we deny the claimant's motion to set aside the dismissal order.

Jesse M. Frankl, Chairman
Commissioners James J. Metro and
Commissioner John A. Mastropietro concur.
Compensation Review Board
Workers' Compensation Commission

CERTIFICATION

THIS IS TO CERTIFY THAT a copy of the foregoing was mailed this 3rd day of March, 1998 to all parties of record.

LORRAINE LOCKERY
ADMINISTRATIVE HEARINGS LEAD SPECIALIST
COMPENSATION REVIEW BOARD
WORKERS' COMPENSATION COMMISSION