

CASE NO. 5860 CRB-2-13-7  
CLAIM NO. 200170402

: COMPENSATION REVIEW BOARD

MICHAEL F. DUFFY  
CLAIMANT-APPELLANT

: WORKERS' COMPENSATION  
COMMISSION

v.

: AUGUST 6, 2014

INTERNATIONAL PAPER CO.  
EMPLOYER

and

SEDGWICK CMS, INC.  
INSURER  
RESPONDENTS-APPELLEES

APPEARANCES:           The claimant was represented by Howard B. Schiller, Esq.,  
Law Office of Howard B. Schiller, 55 Church Street, PO  
Box 699, Willimantic, CT 06226.

The respondents were represented by Michael V. Vocalina,  
Esq., Cotter, Cotter & Mullins, LLC, 6515 Main Street,  
Suite 10, Second Floor, Trumbull, CT 06611.

This Petition for Review from the June 28, 2013 Finding  
and Award in Part/and Dismissal in Part of the  
Commissioner acting for the First District was heard  
January 24, 2014 before a Compensation Review Board  
panel consisting of the Commission Chairman John A.  
Mastropietro and Commissioners Stephen B. Delaney and  
Michelle D. Truglia.

**RULING ON CLAIMANT'S MOTION FOR REARGUMENT and  
MOTION TO SUBMIT ADDITIONAL EVIDENCE**

JOHN A. MASTROPIETRO, CHAIRMAN. The Compensation Review Board<sup>1</sup>  
has received a Motion for Reargument dated July 15, 2014 and a Motion to Submit

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<sup>1</sup> We note an opinion was issued by the compensation review board on July 2, 2014.

Additional Evidence of the same date. The claimant in these motions seeks to present additional evidence as to issues concerning his eligibility for § 31-308(c) C.G.S. benefits which were not considered by this tribunal in its January 24, 2014 hearing on the appeal. We believe that these issues are unripe for appellate adjudication at this time as there are additional hearings presently scheduled before the trial commissioner to address the issues raised in the Motion for Reargument.

It is black letter law that due process requires an evidentiary hearing where a record can be created. As an appellate body, it is inappropriate for this tribunal to perform a fact finding hearing in derogation of proceedings scheduled before a trial commissioner. We therefore deny the Motion for Reargument. In the event a litigant does not believe the trial commissioner has reached an appropriate decision after considering the evidence presented; an appeal to this tribunal at that juncture would be appropriate.

Based on the aforementioned rationale we also deny the claimant's Motion to Submit Additional Evidence.

Commissioners Stephen B. Delaney and Michelle D. Truglia concur in this opinion.