

CASE NO. 6080 CRB-6-16-3  
CLAIM NO. 601072951

: COMPENSATION REVIEW BOARD

TREVOR HUBBARD  
CLAIMANT-APPELLEE

: WORKERS' COMPENSATION  
COMMISSION

v.

: OCTOBER 4, 2016

DYCE TRUCKING, LLC  
EMPLOYER  
NO RECORD OF INSURANCE  
RESPONDENT-APPELLANT

and

SECOND INJURY FUND  
RESPONDENT-APPELLEE

APPEARANCES

The claimant was represented by Peter M. Appleton, Esq., Appleton & Appleton, LLC, 266 Pearl Street, Hartford, CT 06103.

The respondent Dyce Trucking, LLC was represented by Robert L. Fiedler, Esq., Law Office of Robert L. Fiedler, 136 Main Street, Suite 301, New Britain, CT 06051 who did not appear at oral argument.

The Second Injury Fund was represented by Frances Vignati, Jr., Esq., Assistant Attorney General, Office of the Attorney General, 55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120.

This Petition for Review from the February 26, 2016 Finding and Award of Commissioner Daniel E. Dilzer, acting for the Second District, was heard September 23, 2016 before a Compensation Review Board panel consisting of the Commission Chairman John A. Mastropietro and Commissioners Ernie R. Walker and Nancy E. Salerno.

## OPINION

JOHN A. MASTROPIETRO, CHAIRMAN. The instant matter was heard by the Compensation Review Board at oral argument held September 23, 2016. The matter was calendared for oral argument on the respondent-employer's appeal from a February 26, 2016 Finding and Award to the claimant. For the foregoing reasons this panel has determined this appeal must be dismissed pursuant to Practice Book § 85-1.

Counsel for the respondent-employer-appellant commenced this appeal on March 16, 2016. The appellant was properly noticed the matter would be heard on our September 23, 2016 docket and did not appear for oral argument on that date.

In addition, the appellant has also failed to submit a brief in support of this appeal or take any other affirmative action to prosecute the appeal. At oral argument counsel representing the claimant moved to dismiss respondent-employer's appeal. At that time, the board issued a bench ruling dismissing the appeal. Pursuant to the precedent in Angol v. In Your Neighborhood Construction, LLC, 5125 CRB-1-06-8 (March 16, 2010), Lopez v. A. Anastasio Fence Company, 5101 CRB-4-06-6 (May 23, 2007) and Bernier v. American Ref-Fuel Company of Southeast Connecticut, 4876 CRB-2-04-10 (December 23, 2005), the appeal is dismissed for failure to prosecute with proper diligence pursuant to Practice Book § 85-1.

Commissioners Ernie R. Walker and Nancy E. Salerno concur in this decision.