

CASE NO. 6141 CRB-5-16-10
CLAIM NO. 500164508 : COMPENSATION REVIEW BOARD

KYLEEN DARRAH
CLAIMANT-APPELLEE : WORKERS' COMPENSATION
COMMISSION

v.

CARMEN ANTHONY FISH HOUSE : OCTOBER 24, 2016
EMPLOYER

and

AMTRUST NORTH AMERICA
INSURER
RESPONDENTS-APPELLANTS

REMAND ORDER

On September 27, 2016 the trial commissioner acting for the Fifth District issued an Order assessing a penalty pursuant to Sec. 31-288(b).

An appeal was taken from that Order by respondents on October 13, 2016. No record exists. Due process requires an evidentiary hearing where a record can be created. Absent a record the Compensation Review Board cannot properly consider this appeal pursuant to Sec. 31-301(a).

The matter is therefore remanded to the trial commissioner for a formal hearing or other appropriate action. See Morgillo v. Ginnetti Trucking, 6009 CRB-3-15-3 (May 22, 2015); Brennan v. Comcast Corporation, 5638 CRB-6-11-3 (April 1, 2011).

John A. Mastropietro, Chairman
Compensation Review Board
Workers' Compensation Commission