

CASE NO. 6119 CRB-3-16-7
CLAIM NO. 300099042

: COMPENSATION REVIEW BOARD

ANTHONY FUSCO
CLAIMANT-APPELLEE

: WORKERS' COMPENSATION
COMMISSION

v.

: NOVEMBER 9, 2017

CITY OF NEW HAVEN/BOARD OF EDUCATION
EMPLOYER
SELF-INSURED

and

CONNECTICUT INTERLOCAL RISK
MANAGEMENT AGENCY (CIRMA)
ADMINISTRATOR
RESPONDENTS-APPELLANTS

RULING ON RESPONDENT INSURERS' MOTION FOR RECONSIDERATION AND REQUEST FOR REARGUMENT

CHRISTINE L. ENGEL, COMMISSIONER. On October 23, 2017, the Respondent Insurers' filed a Motion for Reconsideration and Request for Reargument from the Compensation Review Board's Opinion issued on October 13, 2017, in Fusco v. New Haven-Board of Education, 6119 CRB-3-16-7 (October 13, 2017). After review and consideration, we herein deny the motion.

Respondent Insurers' motion seeks to have this panel rule on the issue of a possible credit due the Respondent from a permanent partial disability award. The Respondent argues that as the trial Commissioner ruled on this question in a post-judgment motion, we must address it at this juncture. We are not persuaded by this

argument. We do not believe the underlying record was sufficient to address this issue on appeal. As we believe a more thorough consideration of the facts is warranted, our precedent in Brennan v. Waterbury, 6065 CRB-5-15-12 and 5996 CRB-5-15-3 (October 31, 2016), *appeal pending*, SC 19937, supports remanding this issue to the trial Commissioner for further proceedings.

The Respondent Insurers' Motion for Reconsideration and Request for Reargument is therefore denied.

Commissioners Daniel E. Dilzer and Peter C. Mlynarczyk concur.

CERTIFICATION

THIS IS TO CERTIFY THAT a copy of the foregoing was mailed this 9th day of November 2017 to the following parties:

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