

CASE NO. 6215 CRB-7-17-8 : COMPENSATION REVIEW BOARD  
CLAIM NOS. 700125070, 700125069,  
700125068, 700123689 &  
700013514

GEORGE R. DICKERSON : WORKERS' COMPENSATION  
CLAIMANT-APPELLANT COMMISSION

v. : OCTOBER 24, 2018

CITY OF STAMFORD  
EMPLOYER

and

PMA MANAGEMENT  
ADMINISTRATOR  
RESPONDENTS-APPELLEES

### **RULING ON CLAIMANT'S MOTION FOR ARTICULATION**

JOHN A. MASTROPIETRO, CHAIRMAN: On September 12, 2018, this tribunal issued a decision vacating the Amended Finding and Dismissal in this matter and remanding the case to the trial commissioner for additional factual findings relative to whether the claimant had sustained a new injury.<sup>1</sup> On September 28, 2018, the claimant filed a motion for articulation requesting that this tribunal instruct the trial commissioner to apply the legal standard for causation as set forth in Birnie v. Electric Boat Corp., 288 Conn. 392 (2008). We deny this motion for the following reasons.

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<sup>1</sup> John A. Mastropietro was the Chairman of the Workers' Compensation Commission when this appeal was heard by the Compensation Review Board on February 23, 2018. He was also the lead author in Dickerson v. Stamford, 6215 CRB-7-17-8 (September 12, 2018), *appeal pending*, A.C. 42161 (September 28, 2018).

The issue of the requisite evidentiary standard for establishing causation in cases under Chapter 568 has frequently been litigated before our Appellate Court and our Supreme Court. We note that the standard delineated in Birnie, supra, was extensively examined by the Supreme Court in Filosi v. Electric Boat Corp., 330 Conn. 231, 243-245 (September 18, 2018). In the present matter, the trial commissioner, on remand, must reach a factual determination as to whether the claimant sustained a new injury. We leave it to the trial commissioner to apply the appropriate standard.

Commissioners Scott A. Barton and Jodi Murray Gregg concur in this opinion.