

CASE NO. 6399 CRB-2-20-8
CLAIM NO. 200199939 : COMPENSATION REVIEW BOARD

WILLIAM J. COUNTS
CLAIMANT-APPELLEE : WORKERS' COMPENSATION
COMMISSION

v.

COMCAST OF CONNECTICUT : SEPTEMBER 17, 2020
EMPLOYER

and

HELMSMAN MANAGEMENT SERVICES, INC.
INSURER
RESPONDENTS-APPELLANTS

REMAND ORDER

Respondents filed a Petition for Review on August 31, 2020, resulting from the trial commissioner's August 18, 2020 "Ruling on Claimant's Motion for Order Re: Release of Psychological Records and Raw Data." No transcripts or exhibits exist; therefore, it appears no record was created upon which the board can reach a determination on the issues presented in this appeal. Due process requires an evidentiary hearing at which a record can be created. The Compensation Review Board cannot review or consider this appeal under General Statutes Section 31-301 (a) in the absence of an evidentiary record.

The matter is therefore remanded to the trial commissioner acting for the Second District for a formal hearing or other appropriate action. See Flory v. Lowe's Distribution Center, 6143 CRB-2-16-10 (November 7, 2016).

Stephen M. Morelli, Chairman
Compensation Review Board
Workers' Compensation Commission