CASE NO. 6478 CRB-2-22-6 CLAIM NOS. 200192166, 200194208, & 200196443	:	COMPENSATION REVIEW BOARD
LAURIE E. WICKSON CLAIMANT-APPELLEE	:	WORKERS' COMPENSATION COMMISSION
v.	:	MAY 1, 2023

A.C. MOORE
EMPLOYER

and

GALLAGHER BASSETT SERVICES, INC.
INSURER
RESPONDENTS-APPELLANTS

APPEARANCES:

The claimant was represented by Nathan J. Shafner, Esq., Embry Neusner Arscott & Shafner, LLC., 118 Poquonnock Road, P.O. Box 1409, Groton, CT 06340.

The respondents were represented by Dominick C. Statile, Esq., Montstream Law Group, L.L.P., 175 Capital Boulevard, Suite 204, Rocky Hill, CT 06067.

The Petitions for Review from the June 7, 2022 Finding and Award and July 1, 2022 Supplemental Finding and Award of Soline M. Oslena, Administrative Law Judge acting for the Second District, was heard November 18, 2022 before a Compensation Review Board panel consisting of Chief Administrative Law Judge Stephen M. Morelli and Administrative Law Judges Daniel E. Dilzer and Carolyn M. Colangelo.[1]

[1] We note that three motions for extension of time were granted during the pendency of this appeal.

OPINION

STEPHEN M. MORELLI, CHIEF ADMINISTRATIVE LAW JUDGE. The respondents have appealed from the June 7, 2022 Finding and Award, and the July 1, 2022 Supplemental Finding and Award (finding), of Soline M. Oslena, Administrative Law Judge acting for the Second District, wherein she determined that the claimant had established her need for shoulder surgery was the result of injuries she sustained in the workplace. The respondents' appeal is centered on the alleged deficiencies in the medical evidence the administrative law judge relied upon in issuing her award. Upon review, we believe the evidence presented was sufficient to support the award of benefits to the claimant and, therefore, we affirm the finding.

The administrative law judge summarized the issues herein as whether the claimant's injury to her left and right shoulder and her need for bilateral shoulder replacement surgery arose out of her employment with the respondent-employer, A.C. Moore. In her Supplemental Finding and Award,[2] the administrative law judge noted the claimant had been employed for sixteen years by the respondent and had filed claims asserting she had sustained shoulder injuries in the course of her employment.[3] The administrative law judge noted the claimant had preexisting hearing loss and had sustained a traumatic brain injury from a 1995 motor vehicle accident and due to her

[2] The initial Finding and Award in this matter dated June 7, 2022, was the subject of a motion to correct dated June 20, 2022, to which the administrative law judge granted numerous corrections on June 28, 2022. In response, the administrative law judge issued this Supplemental Finding and Award on July 1, 2022, which is the subject of the instant appeal.

[3] In the initial Finding and Award, the administrative law judge noted the claimant had filed a form 30C on or about March 24, 2016, claiming injury to her left shoulder while working for the respondent. A second form30C was filed on or about October 26, 2016, claiming she injured her right shoulder while working for the respondent prior to September 16, 2016. A third form 30C was filed on or about June 26, 2017, claiming she injured both her left and right shoulder while working for the respondent prior to October 17, 2016.

disabilities, she utilized the services of the state bureau of rehabilitative services to obtain her position at A.C. Moore in 2000. See Findings, ¶¶ 3.a., 3.c. As an A.C. Moore associate, the claimant had to perform multiple duties in her job. While her job responsibilities started as light duty, they increasingly required heavy-duty tasks including heavy lifting in stocking merchandize or unloading pallets from delivery trucks. See Findings, ¶¶ 3.f-g. The claimant's work week varied between sixteen to twenty-two hours per week. See Findings, ¶ 3.i. While trucks usually arrived once a week, during the holiday season as many as three trucks a week would need to be unloaded. See Findings, ¶ 3.k. The claimant described the process of lifting a pallet off a truck and then removing the merchandise to a six wheeled rolling cart. She then would move the cart to shelves. See Findings, ¶ 3.n. She testified that the items on the cart weighed from five to sixty-five or seventy pounds. See Findings, ¶ 3.o.

The claimant testified that on September 17, 2015, she was moving boxes off the pallets to the rolling racks. To get to a particular box, she tried to lift and slide a big box of paper off the pallet. When the box got to the end, she tipped it a little bit, but it fell off the pallet and hit her shoulder. As the box hit her, she heard a snap and then instant pain. See Findings, ¶ 4.

The administrative law judge then noted the claimant's testimony subsequent to the September 17, 2015 incident. The claimant stated she had been advised of the employer's protocol for reporting accidents and she immediately reported the injury to her manager on duty, Mr. Donatelli, and asked him to fill out an accident report so she could get medical attention. See Findings, ¶ 5.c. *citing* August 17, 2021 Transcript, pp. 40-41. She stated he refused to complete the accident report and suggested that a

prior fall at home was responsible for her condition. As her manager did not complete the accident report, she contacted her primary care physician who told her to return to her orthopedist. On September 29, 2015, the claimant presented to Patricia A. Stuart, M.D., for a left shoulder evaluation. See Respondents' Exhibit 2. She reported to Stuart that "for several years has been unable to lay on the left side because of pain," and that her difficulties with her left upper extremity had "been worsening over time." Respondents' Exhibit 2. Stuart's September 29, 2015 report notes that the claimant did not remember any specific injurious incident relative to her left shoulder but also provides a diagnosis of a possible rotator cuff arthropathy. An MRI of the left shoulder was ordered which revealed a bicep tendon tear indicating a long-standing tear. See Findings, ¶ 8.

Stuart referred the claimant to a shoulder injury specialist, Ammar Anbari, M.D., and the claimant began treating with him on November 16, 2015. At that visit, she reported a history of left shoulder discomfort. The claimant did not mention the alleged September 17, 2015 incident, nor any other specific incident which may have caused her left shoulder problems. Following conservative treatment of the left shoulder in the form of medications, injections, and physical therapy, Anbari recommended that the claimant undergo a reverse left shoulder replacement. On June 8, 2016, Anbari wrote a letter of causation for the left shoulder injury stating as follows:

> I do believe within a reasonable medical probability that the rotator cuff injury that she sustained was caused substantially by the 9/17/15 accident she sustained at work, and therefore the work injury played a substantial material role in her need for shoulder replacement in the future. Although she had some mild pre-existing conditions, nothing there was actually causing her enough symptoms to warrant having surgery. Therefore, I do believe within medical probability that the work injury sustained played a

> substantial role in accelerating the degenerative process and the need for surgery.

Claimant's Exhibit A.

The claimant then sought a second opinion from R. Justin Thomas, M.D., who recommended against surgical intervention on the left shoulder in favor of continued conservative treatment. See Findings, ¶ 15. "Despite working with restrictions, the Claimant began having problems with her right shoulder; therefore, an MRI was ordered" which "revealed a large rotator cuff tear of the supraspinatus and infraspinatus which Dr. Anbari thought would be amendable to arthroscopic repair rather than replacing." Findings, ¶¶ 16-17. On July 28, 2017, the claimant underwent surgery to repair her right shoulder rotator cuff which was initially successful, but later the claimant ended up with a recurrence of the tear and underwent a reverse shoulder surgery. See Findings, ¶¶ 18-19.

The administrative law judge also noted the opinions of Clinton A. Jambor, M.D., who performed a respondent's medical examination of the claimant, and Peter R. Barnett, M.D., who performed a commission examination. Jambor's December 20, 2016 examination led him to opine that the "medical records do not adequately document an injury." Respondents' Exhibit 3. Jambor diagnosed the claimant with a pre-existing chronic left rotator cuff tear and glenohumeral osteoarthritis, which was present prior to the alleged September 17, 2015 incident. Barnett's February 16, 2017 examination of the claimant led him to opine that the alleged September 17, 2015 left shoulder incident "is not clearly documented, and I feel it is medically improbable that any incident that may have occurred in September 2015, would have substantially contributed to the patient's current left shoulder condition." Respondents' Exhibit 4. Relative to the right shoulder,

Barnett opined that the claimant "has chronic, long-standing rotator cuff tears in the right shoulder," and that the claimant's "current right shoulder problems would have no direct causal connection to any potential incident that may have occurred in September 2015." Id. Additionally, Barnett stated that "there was no specific incident or injury that occurred in September 2016, which may have contributed to current right and left shoulder difficulties." Id. Barnett discounted the impact of the claimant's employment upon her injuries.

> The patient's current right and left shoulder issues are nontraumatically induced and developmental in nature. The cause of the bilateral shoulder issues would be multifactorial in nature. The patient's accumulative use of both upper extremities over the course of her entire life, both work related and nonwork related would be one of the variables, which have contributed to the development of her bilateral shoulder conditions. To what extent the patient's specific work responsibilities between the year 2000 and 2016 may have contributed to the development of the bilateral shoulder conditions cannot be retrospectively determined with any medical certainty.

Id.

The administrative law judge noted that subsequent to Barnett's commission examination, the claimant took Anbari's deposition on January 2, 2019, and he testified to the following:

> a. When he initially saw the Claimant on November 16, 2015, she had been complaining of pain in the shoulder on and off for a number of months. She had discomfort in it before, but it really became an issue about two months before. (Claimant's Exhibit C, p. 15)
>
> b. It's medically probable that a person can have the tearing effect going on over a period of time but still have full use of that arm. (Claimant's Exhibit C, p. 20)
>
> c. He explained that "when somebody has a tear in it, they can still use other muscles to function for that muscle in lieu of that muscle.

> And this is what I believe she has done for a while, and did not have any specific loss of motion, loss of function, loss of strength, because she was using other muscles to do that." (Claimant's Exhibit C, p. 2)
>
> d. He went on to say, "In September, even though it seems like a trivial injury pulling a box, but she did that for 15 years prior to that. Pushing a box, the pop that she felt and the symptoms that she felt basically completed the tear that she had going for a while from the work that she did for a long time." (Claimant's Exhibit C, p. 25-26)

Findings, ¶¶ 30.a-d.

Anbari offered the opinion that the claimant's work with A.C. Moore for the past fourteen to sixteen years doing a lot of heavy lifting was a substantial factor in the need for her bilateral shoulder replacement, "15 years of working for A.C. Moore, all the lifting she did caused the rotator cuff muscle to degenerate to the point that it did. And whatever happened September 17, 2015 finished the job and ended up having the muscle retract away from everything." Claimant's Exhibit C, p. 38. He continued "[b]ut without a doubt, the lifting that she did for 15 years with a reasonable amount of probability caused the repetitive trauma that the September 17th accident finished off." Id., p. 41. Dr. Anbari further stated he "agreed with Dr. Barnett's conclusion that the development of Claimant's bilateral shoulder symptoms are multifactorial and are due to cumulative use both work and non-work related, but attributes what's work-related to be over 95 percent the cause of her symptoms." Findings, ¶ 29, also *citing* Claimant's Exhibit C, pp. 41-42.

The claimant offered testimony as to her current condition which the administrative law judge noted. She stated that "[u]ntil about one year ago, she did all of her own housework and grocery shopping, including heavy lifting. Since then,

Companions and Homemakers has provided help with housework and grocery shopping each week; however, she continued to do her own yard work, including mowing the lawn and shoveling snow of one inch or less." Findings, ¶¶ 30.a.-b.; also *citing* October 21, 2021 Transcript, pp. 36-38.

Based on this evidence, the administrative law judge concluded the claimant sustained a shoulder injury at work on September 17, 2015, but that was not the substantial reason behind her left shoulder rotator cuff repair surgery. See Conclusions, ¶¶ B, D. The administrative law judge did find the claimant's testimony as to the nature of her work and the onset of her symptoms to be credible and persuasive. See Conclusion, ¶ E. She found Jambor's opinion that the claimant's need for shoulder surgery was due to pre-existing degenerative arthritis and chronic rotator cuff tear and not due to the September 17, 2015 injury to be credible. See Conclusion, ¶ F. She also found Barnett's opinion which discounted that incident as a cause in the claimant's left shoulder injury to be credible. See Conclusion, ¶ G. However, she found the opinion proffered by Dr. Anbari that the claimant's sixteen years of employment with the respondent, which included "substantial repetitive lifting to be a substantial factor to the development of her bilateral shoulder symptoms and the need for bilateral shoulder replacement to be more credible and persuasive." Conclusion, ¶ H. She also found "Dr. Barnett's opinion that the Claimant's right and left shoulder issues are non-traumatically induced and developmental in nature" encompassing both non-work and work-related causes, to be credible. Conclusion, ¶ I. The administrative law judge, therefore, found "the repetitive nature coupled with the physically demanding work performed by the Claimant during her sixteen years of employment with A.C. Moore to

be a substantial factor in the need for Claimant's left reverse shoulder replacement and right reverse shoulder replacement." Conclusion, ¶ M. She found the medical care rendered to the claimant was reasonable and necessary, and ordered the respondents to accept the injury as compensable.

The respondents filed a motion to correct the supplemental finding, but it was denied in its entirety by the administrative law judge. They have pursued this appeal based on their belief that the medical evidence presented was too equivocal to support a finding that the claimant's shoulder injuries were work related. The claimant argues that this amounts to an effort to retry the facts. We find the claimant's position more meritorious and affirm the finding.

We note that our tribunal has traditionally provided great deference to the fact-finding prerogatives of our administrative law judges. "As with any discretionary action of the trial court, appellate review requires every reasonable presumption in favor of the action, and the ultimate issue for us is whether the trial court could have reasonably concluded as it did." Daniels v. Alander, 268 Conn. 320, 330 (2004), *quoting* Burton v. Mottolese, 267 Conn. 1, 54 (2003). The Compensation Review Board cannot retry the facts of the case and may only overturn the findings of the administrative law judge if they are without evidentiary support, contrary to the law, or based on unreasonable or impermissible factual inferences. See Kish v. Nursing & Home Care, Inc., 248 Conn. 379, 384 (1999) and Fair v. People's Savings Bank, 207 Conn. 535, 539 (1988). Nonetheless, while we must provide deference to the decision of an administrative law judge, we may reverse such a decision if the judge did not properly apply the law or

reached a decision unsupported by the evidence on the record. See Christensen v. H & L Plastics Co., Inc., 5171 CRB-3-06-12 (November 19, 2007).

We addressed somewhat similar issues earlier this year in Zezima v. Stamford, 6472 CRB-7-22-4 (February 3, 2023). In Zezima, the respondents challenged the adequacy of the medical evidence supporting a finding of workplace compensability, *citing* DiNuzzo v. Dan Perkins Chevrolet Geo, Inc., 294 Conn. 132, 142-43 (2009). We considered the merits of that argument and "[h]aving conducted a thorough review of the record we are not persuaded by this argument and find the administrative law judge could reasonably find the medical reports and opinions of the claimant's treaters Fusco, Walker, Schuster and Brooks credible and persuasive." Zezima, supra. We reached this determination in part based on long standing precedent in O'Connor v. Med-Center Home Healthcare, Inc., 4954 CRB-5-05-6 (July 17, 2006), that "[t]here are few principles of jurisprudence more fundamental than the principle that a trier of fact must be the one party responsible for finding the truth amidst conflicting claims and evidence." Id.

The gravamen of the respondents' appeal is based on their position that it was unreasonable for the administrative law judge to rely upon the opinions of Anbari to find the claimant's shoulder injuries were the result of workplace repetitive trauma. As they view his testimony, it was inconsistent and relied on an inaccurate patient history. They believe it was error for the treater's opinions to be credited above their expert, who opined against workplace causation, or the commission examiner, who did not opine as to the relative weight of workplace causation versus other factors. However, as we held in Strong v. UTC/Pratt & Whitney, 4563 CRB-1-02-8 (August 25, 2003), "[i]f on review this board is able to ascertain a reasonable diagnostic method behind the challenged

medical opinion, we must honor the trier's discretion to credit that opinion above a conflicting diagnosis."

Anbari offered a number of opinions herein and we note that all of the opinions he offered unequivocally cited the claimant's duties at work as a substantial factor in her need for shoulder surgery. His June 8, 2016 letter cited the incident of September 17, 2015, as the substantial cause for the claimant's surgery. See Claimant's Exhibit A. His November 23, 2016 letter cited the claimant as "working for 14 years for a company that required her to do a lot of lifting" as the substantial cause. Id. Counsel for the respondents argued these positions were inconsistent, but had the opportunity to depose Anbari at length. In this colloquy, the witness offered an explanation for the evolving opinions.

> [Counsel]: So as of June 8 of 2016, your opinion was that her left shoulder injury was due to this lifting accident at work, correct?
>
> [Anbari]: No, the -- the 9/17 reported accident at work is -- or the symptoms she developed from it was work-related is what I said.
>
> [Counsel]: But again, there's no reference in that note regarding causation to repetitive trauma, correct?
>
> [Anbari]: Not in that note, no.
>
> [Counsel]: So then in November you gave another note which then did reference -- you did reference the work for the past 14 years playing a role in the need for surgery, correct?
>
> [Anbari]: Right.
>
> [Counsel]: So what caused you to add that different bit of information five months after the original opinion?
>
> [Anbari]: I'm seeing the patient along the way in November, and every time we see her, we talked about what's going on with her. And she continues to maintain the fact that she had been lifting very heavy for 14 years, 15 years, and -- when the September,

> whatever this thing happened, like I said, it's a trivial accident, and that's the reason why it --. Everybody is saying the same thing. It's not anything of substance. It was just lifting a box off of a pallet that I think the -- the repetitive lifting that she's done over the 14 years prior to that is what really did the damage she has in her shoulder.

Claimant's Exhibit C, pp. 64-65.

Since an administrative law judge is the ultimate judge of the weight of contested medical evidence, we must defer to her assessment as to its value. We do not believe it was an unreasonable determination herein for the administrative law judge to find that Anbari proffered a credible explanation reconciling his various opinions as to causation of the claimant's injuries.

The other significant argument advanced by respondents' counsel against reliance upon Anbari's opinion is that it was based on an erroneous assumption as to the claimant's job duties and she did not have a strenuous enough job to cause such shoulder injuries. The difficulty with this argument is there is substantial evidence which the administrative law judge found credible, consistent with the conclusion that the claimant did engage, over an extended period, in lifting objects at work.

At the August 17, 2021 session of the formal hearing, the claimant testified that about a fifth or a sixth of her usual nineteen to twenty hours per work week was engaged in lifting objects. See August 17, 2021 Transcript, p. 33. She testified some of the objects she had to lift weighed as much as sixty-two to sixty-four pounds. See id., p. 34. At the October 12, 2021 session, she reiterated that after 2002 her job duties required her to lift frames weighing "65/70 pounds" and "because I'm light, I would have difficulty lifting them, or even to stock the shelves." October 12, 2021 Transcript, p. 22. At his deposition, Anbari testified the claimant had discussed her job responsibilities with him

which included having to lift up to fifty pounds, and that continuous lifting was consistent with the causation of rotator cuff tears. See Claimant's Exhibit C, pp. 50-57. While the respondents clearly questioned the frequency and magnitude of the claimant's lifting duties at work, there is no material distinction herein between the evidence supportive of a workplace rotator cuff tear in this case and the evidence found sufficient to award benefits in Madden v. Danbury Hospital, 5745 CRB-7-12-4 (April 22, 2013).[4] In both cases, the claimant presented a narrative of having done lifting at work for an extended period of time and a treating physician opined that was a substantial factor in their shoulder ailments. While the respondents do not believe the claimant's work was sufficient to cause her injuries, a reasonable person could come to a different conclusion by crediting the claimant's evidence.

The Madden case also sheds light on the respondents' other significant averment of error, that the administrative law judge should have credited the commission examiner in this case and not credited the treater, Anbari.[5] While the respondents argue that since the administrative law judge found Barnett credible on the issue of whether the claimant's accidental injury on September 17, 2015 caused her rotator cuff tears that she

---

[4] In Madden v. Danbury Hospital, 5745 CRB-7-12-4 (April 22, 2013), the respondents argued it was inappropriate to award the claimant benefits for a shoulder injury as they claimed their evidence as to his schedule and the types of tools he used should have been credited. However, we affirmed the award of benefits as "[e]ven accepting the respondent's argument that the claimant worked only 35% of the time doing overhead work and used lighter tools than he said he had used, we find no inconsistency with the trial commissioner's reasoning herein when considering the medical evidence." Id.

[5] We discussed in Madden v. Danbury Hospital, 5745 CRB-7-12-4 (April 22, 2013), the general presumption that a commission examination is expected to carry great weight at a contested formal hearing and our "long standing precedent that when a trial commissioner does not rely on the opinions of a commissioner's examiner, the trial commissioner should generally explain in the text of their decision why they found another expert witness more persuasive." Id. We determined in Madden that the reason for nonreliance on the commission examination could be inferred from the record, and we reached a similar determination in Rousseau v. Acranom Masonry, Incorporated, 6366 CRB-5-19-12 (February 3, 2021) and Smith v. RegalCare at Waterbury, LLC, 6316 CRB-5-19-3 (March 10, 2020). While the administrative law judge could have provided a more detailed rationale for discounting Barnett's opinions on the issue of repetitive trauma causation in her Finding, based on the record herein, we find no error.

was then obligated to credit his opinion on the issue of repetitive trauma causation, that is not our law. "We have held that it is within the discretion of the trial commissioner to accept some, but not all, of a physician's opinion." Lopez v. Lowe's Home Improvement Center, 4922 CRB-6-05-3 (March 29, 2006), cited in Ramsahai v. Coca-Cola Bottling Company, 5991 CRB-1-15-2 (January 26, 2016). We may reasonably infer similar to Ramsahai that, to the extent Barnett's opinion was inconsistent with Anbari's, the administrative law judge credited the treater, Anbari. In Rousseau v. Acranom Masonry, Incorporated, 6366 CRB-5-19-12 (February 3, 2021), this tribunal, in reliance upon Madden, supra, and Smith v. RegalCare at Waterbury, LLC, 6316 CRB-5-19-3 (March 10, 2020), held "we pointed out that when a commissioner finds other expert opinions were more persuasive than the opinion of the commissioner's examiner, she may choose to rely on those opinions."

Examining the record herein and the Madden case more closely, we find no material distinctions. In this case, Barnett's opinion was extremely equivocal on the issue of workplace causation, and did not, as respondents suggest, rule it out as a factor. He opined "[t]o what extent the patient's specific work responsibilities between the year 2000 and 2016 may have contributed to the development of the bilateral shoulder conditions cannot be retrospectively determined with any medical certainty." Respondents' Exhibit 4, p. 4.[6] This opinion was found less persuasive than the treater's opinion herein, as was the commission examination opinion in Madden, supra, where the

[6] We note that, while Barnett's opinion on causation was equivocal, neither party availed themselves of the opportunity to depose this expert so as to elicit a clarification. In Fortin v. Southern Connecticut Gas Company, 6387 CRB-3-20-4 (March 31, 2021), we cited Berube v. Tim's Painting, 5068 CRB-3-06-3 (March 13, 2007), to the proposition that when an expert is not deposed the administrative law judge must accept the opinions stated "as is."

examiner noted "that the claimant's arthritis 'could be due to multiple factors' and 'it was unlikely you could blame his job alone for this problem.'" Id.

With respect to the respondents' argument that the totality of the record warranted reversal when a witness opined based on faulty assumptions as to the claimant's job duties, note that we reversed the award of benefits in Tarantino v. Sears Roebuck & Co., 5939 CRB-4-14-5 (April 13, 2015), when a treating physician recanted his opinions at a deposition after being presented with accurate information and the trier failed to incorporate those revised opinions in his finding. However, in this case, Anbari was unwavering and unequivocal as to the issue of workplace causation. Towards the end of the deposition, he stated "[t]o do something over and over again for 15 years will cause rotator cuff muscles to degenerative and tear. What she has makes 100 percent sense from the beginning to the end. . . . There's nothing ambiguous about this whatsoever." Claimant's Exhibit C, p. 71. The witness continued that "[t]here is absolutely no other reason why she should have massive rotator cuff tearing to her cuff for both of the shoulders." Id., p. 73. We believe this constitutes "competent medical evidence" within the scope of how this term was defined in Sanchez v. Edson Manufacturing, 175 Conn. App. 105, 124-30 (2017).[7] While it is the claimant's burden to present reliable, nonspeculative evidence supportive of workplace causation so as to obtain an award of benefits, we believe the administrative law judge could reasonably conclude the claimant

[7] In Sanchez v. Edson Manufacturing, 175 Conn. App. 105 (2017), our appellate court distinguished the opinion relied upon by the finder of fact to award benefits from the opinion found deficient in DiNuzzo v. Dan Perkins Chevrolet Geo, Inc., 294 Conn. 132 (2009), as while the opinion in DiNuzzo was not based on a post-mortem examination and appears to have not addressed material issues as to the decedent's condition, the expert witness relied upon in Sanchez, supra, was a treater who was familiar with the claimant's condition and proffered an rationale for his opinions. See Sanchez, supra, 124-30.

had met her burden based on this record.[8] See Larocque v. Electric Boat Corporation, 5942 CRB-2-14-6 (July 2, 2015).

Accordingly, we affirm the Supplemental Finding and Award of Soline M. Oslena, the Administrative Law Judge acting on behalf of the Second District.

Administrative Law Judges Daniel E. Dilzer and Carolyn M. Colangelo concur in this Opinion.

---

[8] We find no error in the administrative law judge denying the respondents' motion to correct from the supplemental finding. She is not obligated to grant those corrections that constitute a litigant's position as to the law and the facts. See D'Amico v. Dept. of Correction, 4287 CRB-5-00-9 (August 3, 2001), *aff'd*, 73 Conn. App. 718, 728 (2002), *cert. denied*, 262 Conn. 933 (2003) and Liano v. Bridgeport, 4934 CRB-4-05-4 (April 13, 2006).