CASE NO. 6466 CRB-3-22-1 CLAIM NOS. 800203408 & 300114387	:	COMPENSATION REVIEW BOARD
DAVID LEMAIRE CLAIMANT-APPELLEE	:	WORKERS' COMPENSATION COMMISSION
v.	:	JANUARY 26, 2023

NEW ENGLAND INDUSTRIAL TRUCK, INC.
SOMPO AMERICA INSURANCE AND BROADSPIRE
EMPLOYER
INSURER
RESPONDENTS-APPELLANTS

and

NEW ENGLAND INDUSTRIAL TRUCK, INC.
UNICARRIERS AMERICAS CORP., Parent Company
TOKIO MARINE AMERICA
EMPLOYER
INSURER
RESPONDENTS-APPELLEES

APPEARANCES:

The claimant was represented by Andi Hallier, Esq., and Barry P. Beletsky, Esq., Riccio & Beletsky, 500 East Main Street, Suite 324, Branford, CT 06405.

The respondents-appellants, New England Industrial Truck, Inc., Sompo America Insurance and Broadspire, were represented by Peter M. LoVerme, Esq., Tentindo, Kendall, Canniff & Keefe, LLP, 510 Rutherford Avenue, Boston, MA 02129. (November 23, 2015 claim).

The respondents-appellees, New England Industrial Truck, Inc., Unicarriers Americas Corp., and Insurer Tokio Marine America, were represented by Richard A. Knapp, Esq., Mullen & McGourty, PC, 2 Waterside Crossing, Suite 102A, Windsor, CT 06095. (October 12, 2018 claim).

This Petition for Review from the January 11, 2022 Finding and Award by Maureen E. Driscoll, the Administrative Law Judge acting for the Third District, was heard June 24, 2022 before a

Compensation Review Board panel consisting of Chief Administrative Law Judge Stephen M. Morelli and Administrative Law Judges Daniel E. Dilzer and William J. Watson III.

OPINION

STEPHEN M. MORELLI, CHIEF ADMINISTRATIVE LAW JUDGE.[1] The respondents, New England Industrial Truck, Inc., Sompo America Insurance, and Broadspire (respondents-appellants), have appealed from the January 11, 2022 Finding and Award (finding) of Maureen E. Driscoll, Administrative Law Judge acting for the Third District. In that finding, the administrative law judge held that the October 12, 2018 incident was not a significant contributing factor in the claimant's disability and need for treatment and that liability remained with the respondents-appellants for the November 23, 2015 date of loss. She also found that the claimant should be paid temporary total disability benefits at least until a form 36 was filed and approved. After reviewing the record and considering the parties' arguments, we affirm the trial judge's decision.

The respondents-appellants contend that the administrative law judge found facts that were either not supported by and/or were contrary to the evidence. They further contend that the administrative law judge misapplied the law to the underlying facts, decided issues that were outside of the cited issues for determination, erred in holding that the claimant remained totally disabled, and that the claimant did not raise and/or meet his burden with respect to General Statutes § 31-315. Finally, the

[1] We note that a motion for extension of time was granted during the pendency of this appeal.

respondents-appellants contend that the administrative law judge erred in denying all or part of their motion to correct and motion for articulation.

In response to those contentions, the respondents, New England Industrial Truck, Inc., Unicarriers Americas Corp., and Tokio Marine America (respondents-appellees), argue that the finding should be upheld because the assessment of the weight and credibility of the evidence rests with the administrative law judge. They further argue that the administrative law judge's findings and conclusions are legally consistent with the underlying facts. They agree with respondents-appellants, however, that the administrative law judge erred in finding that the claimant remained totally disabled.

The claimant has not taken a position with respect to which respondent is liable for his current disability and/or need for treatment. He has, however, contended that the administrative law judge correctly found that he should continue to receive temporary total disability benefits.

In reviewing these various contentions, it is necessary to review the evidence in conjunction with the findings of the administrative law judge. The claimant sustained an injury to his lumbar spine while lifting a hydraulic jack during the course of his employment with the respondent on November 24, 2010. Initial treatment was undertaken with Concentra Medical Centers. See Joint Exhibits 1-4. Shortly thereafter, the claimant came under the care of Jeffrey T. Pravda, an orthopedic surgeon, and his staff, including Kavita R. Patel, NP-C. See Joint Exhibits 5-8 and 12-16. He was diagnosed with degenerative disk disease at multiple levels with a large, extruded fragment distally at L4-5 causing compression at the L5 and S1 nerve roots. See Joint Exhibit 5. On February 15, 2011, the claimant underwent an L4-5 laminotomy, partial

hemilaminectomy at L5 within the foraminotomy of the L5 nerve root and excision of a 4-5 disk to the right. See Joint Exhibit 9. The claimant reached maximum medical improvement on August 24, 2011 and was deemed to have a 10 percent permanent impairment of the lumbar spine. See Joint Exhibit 16. The claimant returned to full duty as a heavy equipment mechanic after his 2010 injury. See October 1, 2020 Transcript, p. 20.

On November 23, 2015, the claimant sustained another injury to his lumbar spine while working for the respondent. See Joint Exhibit 17. He again came under the care of Pravda. A February 5, 2016 MRI revealed multilevel degenerative disk disease, most significant at L3-4 and L4-5 and impacting the exiting bilateral L4 and L5 nerve roots, as well as broad-based bulges at L4-5 and L5-S1. See Joint Exhibit 19. On April 25, 2016, Pravda performed a bilateral fusion with pedicle screws at L4-5 and L5-S1, transforaminal lumbar interbody fusions at L4-5 and L5-S1, and a left-sided decompression at L3-4. See Joint Exhibit 31. The claimant continued to follow-up with Pravda through September 17, 2018, just prior to the October 12, 2018 incident. See Joint Exhibits 40, 42, 50-51, 54-62, 64-68, 71-73, 75, and 77. On September 17, 2018, Pravda wrote a narrative report in which he stated that "[w]hile initially [the claimant] did fairly well, and he did have recovery of function, he certainly has deteriorated. His right leg has become progressively painful. While he never achieved full strength to the right leg, it has become increasingly painful to him over the last couple of months." Joint Exhibit 77. Pravda also suggested that the claimant had pseudoarthrosis at both levels and was giving consideration to further surgical management. An MRI was recommended by Pravda in September 2018 but was not approved until after the October

12, 2018 incident. See Joint Exhibit 79. The claimant was kept on a light-duty, part-time restriction with no heavy lifting over ten pounds and no repetitive standing, squatting, kneeling, or climbing. See Joint Exhibit 77.

On October 12, 2018, while breaking down some boxes from a seated position, the claimant twisted his back and "felt something." By seven o'clock that evening, the claimant was in serious pain. See October 1, 2020 Transcript, p. 34. He spent the next eleven days in bed. See id., p. 35. Since the October 12, 2018 incident, Pravda has told the claimant that he should not return to work. See id., p. 37.

Several physicians offered opinions regarding the claimant's condition, need for treatment, causation, and work capacity. Gerald J. Becker, an orthopedic surgeon who performed a respondents' medical examination for respondents-appellants on May 14, 2018, opined that the claimant did not need another fusion despite pain in the low back, a right foot drop, left-sided weakness, and possible pseudoarthrosis at L4-S1. Becker acknowledged, however, that the claimant's symptoms were causally related to the November 23, 2015 injury, there was a 30 percent permanent impairment of the lumbar spine, and the claimant's work restrictions were permanent in nature. See Joint Exhibits 74 and 76. Becker did not offer any opinions subsequent to the October 12, 2018 event. Howard Lantner, a neurosurgeon, performed a respondents' medical examination for respondents-appellees on July 1, 2019. Following that evaluation, Lantner opined that the October 12, 2018 twisting incident was only an exacerbation of the claimant's pre-existing condition and that the November 23, 2015 injury was the significant contributing factor for the claimant's condition and need for treatment. Lantner also opined that the claimant was temporarily totally disabled. See Joint Exhibit 83 and Respondents'

Exhibit 2. John G. Strugar, a neurosurgeon who performed a commission medical examination on January 23, 2020, opined that the claimant did not sustain a new injury on October 12, 2018. Instead, Strugar opined that the November 23, 2015 injury was the significant contributing factor for the claimant's condition and need for treatment. See Joint Exhibits 84, 85, and Respondents' Exhibit 1.

After listening to the testimony and reviewing the evidence, the administrative law judge reached the following conclusions, in part:

> B) I find that prior to the October 12, 2018 event claimant was diagnosed with pseudoarthrosis (non-union of the fusion) and was advised by Dr. Pravda that it would be reasonable to proceed with surgery.
>
> C) I do not find Dr. Pravda's comment on compensability contained in his November 19, 2018 office note persuasive.
>
> D) I do find persuasive Dr. Pravda's opinion that the claimant is disabled from work.
>
> E) I find the opinion of Dr. Lantner, when taken as a whole, credible and persuasive.
>
> G) I find that the overall tenor and substance of the opinions of Dr. Strugar, Commissioner's Examiner, persuades me that the November 23, 2015 incident is a substantial contributing factor in causing the claimant's disability and need for treatment; and my conclusions are drawn after review of the entire substance of the expert's reports and testimony.
>
> H) I find that to the extent that any portion of Dr. Strugar's opinion could be construed to suggest that the incident of October 12, 2018 could be considered a compensable injury, this opinion is not based upon credible evidence in this record; and to the extent that any portion of Dr. Strugar's opinion could be construed in that manner, that portion of his opinion is unpersuasive.
>
> J) There is no evidence in the record to suggest that Dr. Becker provided an opinion as to the claimant's condition

after October 12, 2018, and therefore his report is not reliable as to the issues of compensability of the October 12, 2018 event, medical treatment and characterization of benefits payable to the claimant as of October 12, 2018.

L) I find persuasive the opinions of Drs. Lantner and Strugar that surgery is a reasonable treatment option for this claimant.

M) I find that the claimant's symptoms before and after October 12, 2018 were complications caused by the November 23, 2015 compensable injury and/or related treatment, including surgery.

O) I find that any testimony or evidence in the record suggesting that the claimant had an increase in pain or symptoms on October 12, 2018 does not in and of itself lead me to the conclusion that what happened on that date was either a new injury caused by the claimant's work or an aggravation of an old injury within the meaning of the workers' compensation act.

P) I find that the record, when read as a whole, does not contain sufficient evidence to support a claim that there was a compensable injury on October 12, 2018.

Findings, ¶¶ B-E, G-H, J, L-M, and O-P.

Based on these conclusions, the administrative law judge found that the October 12, 2018 did not constitute a compensable injury; the November 23, 2015 compensable injury was a significant contributing factor in causing the claimant's current disability and need for treatment; the respondents-appellants were liable for medical treatment, including surgery, as well as the payment of temporary total disability benefits until a form 36 was filed and approved; the prior form 36 was re-opened and denied; and the claimant had not yet reached maximum medical improvement.

The standard of review we are obliged to apply to a judge's findings and legal conclusions is well-settled, "The trial commissioner's factual findings and conclusions

must stand unless they are without evidence, contrary to law or based on the unreasonable or impermissible factual inferences." Russo v. Hartford, 4769 CRB-1-04-1 (December 15, 2004), *citing* Fair v. People's Savings Bank, 207 Conn. 535, 539 (1988). Moreover, "[a]s 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." Burton v. Mottolese, 267 Conn. 1, 54 (2003), *quoting* Thalheim v. Greenwich, 256 Conn. 628, 656 (2001). Thus, "it is … immaterial that the facts permit the drawing of diverse inference. The [commissioner] alone is charged with the duty of initially selecting the inference which seems most reasonable and [her] choice, if otherwise sustainable, may not be disturbed by a reviewing court." Fair v. People's Savings Bank, 207 Conn. 535, 540 (1988), *quoting* Del Vecchio v. Bowers, 296 U.S. 280, 287 (1935).

"[T]raditional concepts of proximate cause furnish the appropriate analysis for determining causation in workers' compensation cases." Dixon v. United Illuminating Co., 57 Conn. App. 51, 60 (2000), *citing* McDonough v. Connecticut Bank & Trust Co., 204 Conn. 104, 118 (1987) and Besade v. Interstate Security Services, 212 Conn. 441, 449 (1989). "[T]he test for determining whether particular conduct is a proximate cause of an injury [is] whether it was a substantial factor in producing the result." Paternostro v. Arborio Corp., 56 Conn. App. 215, 222 (1999), *quoting* Hines v. Davis, 53 Conn. App. 836, 839 (1999). In Birnie v. Electric Boat Corp., 288 Conn. 392, 412 (2008), *quoting* Norton v. Barton's Bias Narrow Fabric Co., 106 Conn. 360, 365 (1927), our Supreme Court noted that "the substantial factor standard is met if the employment '*materially or essentially contributes* to bring about an injury . . . .'" (Emphasis in original.) The Court

further stated that "the substantial factor causation standard simply requires that the employment, or the risks incidental thereto, contribute to the development of the injury in *more than a de minimis way*." (Emphasis in original.) Id., 412-13.

In reviewing questions of proximate cause and substantial contributing factor, the Courts have acknowledged that decisions by trial judges are necessarily fact driven, see Orzech v. Giacco Oil Co., 208 Conn. App. 275 (2021), *citing* 1 L. Larson & T. Robinson, Larson's Workers' Compensation Law (2019) § 10.04, p. 10-13, and that results will vary depending on the case. See id., 285 *citing* Sapko v. State, 305 Conn. 360 (2012).

The Courts have further recognized that "whether a sufficient causal connection exists between the employment and a subsequent injury is, in the last analysis, a question of fact for the commissioner." Id., 285 *citing* Sapko v. State, 305 Conn. 360 (2012). "Only if no reasonable fact finder could have resolved the proximate cause issue as the commissioner resolved it will the commissioner's decision be reversed by a reviewing court." Id., 286 *quoting* Sapko v. State, 305 Conn. 360, 385-86 (2012).

Based on the aforementioned criteria, we must discern whether the judge's decision was based on sufficient evidence in the record and that she appropriately applied the law to those facts. In cases where,

> it is difficult to ascertain whether or not the disease arose out of the employment, it is necessary to rely on expert medical opinion. Unless the medical testimony by itself establishes a causal relation, or unless it establishes a causal relation when it is considered along with the other evidence, the commissioner cannot conclude that the disease arose out of the employment.

Malinowski v. Sikorsky Aircraft Corp., 207 Conn. App. 266, 275-76 (2021), *quoting* Murchison v. Skinner Precision Industries, Inc., 162 Conn, 142, 152 (1972).

In reviewing the record, we note that multiple doctors offered opinions regarding causation for the claimant's current disability and need for treatment. The trial judge addressed all of these opinions in her decision and spoke to her rationale for crediting all, part, or none of those opinions, as is within her authority. See Dixon v. United Illuminating Co., 57 Conn. App. 51, 59 (2000), *citing* O'Reilly v. General Dynamics Corp., 512 Conn. App. 819 (1999). In her final analysis, and in considering the totality of the evidence, the trial judge decided that the October 12, 2018 incident was not a significant contributing factor in the claimant's disability and need for treatment and that proximate cause rested with the November 23, 2015 date of loss. Given her discretion in determining facts, these findings will not be disturbed.

We must also assess, however, whether the trial judge appropriately applied the law to the underlying facts. "Where the subordinate facts allow for diverse inferences, the commissioner's selection of the inference to be drawn must stand unless it is based on an incorrect application of the law to the subordinate facts or from an inference illegally or unreasonably drawn from them." Paternostro, supra, 219.

The respondents-appellants have argued that the incident that occurred on October 12, 2018 constituted a new injury that broke the chain of causation between the claimant's condition and the injury of November 23, 2015, i.e., that it constituted a superseding cause. "[W]hen the question is whether compensability should be extended to a subsequent injury or aggravation related in some way to the primary injury, the rules that come into play are essentially based [on] the concepts of 'direct and natural results,' and of [the employee's] own conduct as an independent intervening cause." (Footnote omitted.) Sapko v. State, supra, 379-80 *quoting* 1 A. Larson & L. Larson, Workers'

Compensation (2011) § 10.01, p. 10-2. "The basic rule is that a subsequent injury, whether an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury." Id., 380 *quoting* 1 A. Larson & L. Larson, Workers' Compensation (2001) § 10.5, pp. 10-2 through 10-3. As our Supreme Court has explained, "[t]he function of the [superseding cause] doctrine is to define the circumstances under which responsibility may be shifted entirely from the shoulders of one person, who is determined to be negligent, to the shoulders of another person, who may also be determined to be negligent, or to some other force." Sapko v. State, supra, 374 *citing* Barry v. Quality Steel Products, Inc., 263 Conn. 424 (2003). While the Court in Barry held that this doctrine no longer served a useful purpose in tort claims, it held in Sapko, supra, that, in workers' compensation matters, "the rule provides the best framework for analyzing the element of proximate cause in cases involving a subsequent injury or an aggravation of an earlier, primary injury." Id., 385.

> It bears emphasis, however, as Professor Larson notes, that '[d]ecisions in these sorts of cases are necessarily fact driven'; 1 A. Larson & Larson, supra. §10.04, at p. 10-10.2; and, therefore, the results will vary depending on the case. Consequently, whether a sufficient causal connection exists between the employment and a subsequent injury is, in the last analysis, a question of fact for the commissioner. It is axiomatic that, in reaching that determination, the commissioner is often required to 'draw an inference from what he has found to be the basic facts. [As we previously have explained] [t]he propriety of that inference…is vital to the validity of the order subsequently ordered. But the scope of judicial review of that inference is sharply limited. . . .

(Internal quotation marks omitted.) Id., 385.

In its April 20, 2022 brief, the respondents-appellants seem to rely on Marroquin v. F. Monarca Masonry, 121 Conn. App. 400 (2010), as support for the proposition that, when a claimant sustains a 'separate and identifiable injury', the respondent on the risk at

the time of that injury is solely liable. While that may be true in some instances depending on the facts of any particular case, it is worth noting that the Court in Marroquin assigned liability to the original respondent despite the "second injury" occurring while the claimant was standing on a platform lifting thirty-seven pound cinder blocks from overhead. Notwithstanding that factual pattern, the Court agreed that there was enough medical evidence in the record to support the trial judge's decision. "[I]t is not a mere increase in pain or symptoms that triggers a finding of a new injury or aggravation within the meaning of the [act]. Some finding that subsequent work exposures have contributed to a claimant's condition must also be present." Id., 419 *quoting* Orlando v. Reliable Construction Services, 4791 CRB-8-04-3 (April 6, 2005).

The line of cases regarding new injuries versus a continuous injury with respect to apportionment of liability is also instructive. See Mages v. Alfred Brown, Inc., 123 Conn. 188 (1937), which involved two separate injuries with two separate employers. Since the claimant had recovered from the first injury and had been fully compensated therefor, the Court held that the second employer was solely responsible for the claimant's disability and need for treatment.

> Under our law, compensation does not depend upon the condition of health of the employee or upon his freedom from liability to injury through a constitutional weakness or latent tendency. If the injury is the cause of the disability, it is compensable even though such an injury might not have caused the disability if occurring to a healthy employee or even an average employee.

Id., 192 *citing* Nicotra v. Bigelow, Sanford Carpet Co., 122 Conn. 353, 361 (1937); see also Hartz v. Hartford Faience, Co., 90 Conn. 539, 543 (1916); Saddlemire v. American Bridge Co., 94 Conn. 618 (1920); Richardson v. New Haven, 114 Conn. 389, 392 (1932); and Henry v. Keegan, 121 Conn. 71, 76 (1936). In Mund v. Farmers' Cooperative, Inc.,

139 Conn. 338 (1952), however, "[t]he two accidents were found to be equal, concurrent and contributing causes of the plaintiff's disability . . . the second injury being superimposed upon and an aggravation of the condition remaining from the first injury." Id., 341. Although the claimant had improved after his first injury, he still experienced some pain at the time of his second injury. Nevertheless, the trial commissioner found that both respondents had some liability with respect to the claimant's condition. Since there was ample evidence to support such a finding, the Court stated that it did not have the power to overrule those findings. See id., 342. Decades later, our Supreme Court reviewed and explained the distinctions in this line of cases in its decision in Hatt v. Burlington Coat Factory, 263 Conn. 279 (2003). Although Hatt was primarily concerned with apportionment pursuant to General Statutes § 31-299b, it noted the distinctions between cases wherein the trial commissioner found a single injury versus those in which the commissioner held that there were separate and distinct injuries. In Hatt, the Court affirmed the trial commissioner's finding that the claimant suffered two separate and distinct injuries and found the respondent for the second injury wholly liable. "[T]he absence of apportionment language in § 31-349 (d), taken in the context of the Workers' Compensation Act in its entirety, leads us to determine that the legislature, in enacting § 31-349 (d), intended that the last employer be solely liable for the benefits of the second injury." Id., 312.

The respondents-appellants also argued that the trial judge's reliance on parts of Strugar's opinions was misplaced because those opinions were taken out of context. The respondents-appellants cite several excerpts of testimony from Strugar in which he stated that the October 12, 2018 incident was a specific and identifiable incident after which the

claimant took a turn for the worse. The trial judge, however, cited to other parts of Strugar's testimony.

The question in the case at hand is, therefore, whether the trial judge had sufficient evidence to decide whether the impact of the October 12, 2018 incident was de minimis and that his condition was, instead, the direct and natural result of the November 23, 2015 compensable injury. As previously discussed, Lantner, Unicarrier and Tokyo Marine's RME physician, opined that the October 12, 2018 incident was merely an exacerbation of the claimant's pre-existing condition and that the November 23, 2015 injury was the significant contributing factor for the claimant's status. Furthermore, Struger, the commission medical examiner, testified that, while the October 12, 2018 incident was a factor, the claimant would have been in the same situation regardless of that incident. Finally, Pravda, the claimant's treating physician, had referred the claimant for an MRI in September 2018 due to continuing symptoms and suggested that another surgery might be necessary even before the October 12, 2018 event. Thus, given the trajectory of the claimant's symptoms and need for treatment prior to the October 12, 2018 incident, it was reasonable and well within the test for the superseding injury doctrine for the trial judge to have found that the claimant's condition was a result of the November 23, 2015 date of loss and that he did not suffer a separate and distinct injury on October 12, 2018. We cannot and will not, therefore, overrule the trial judge's conclusions.

Both respondents also argue that the trial judge's finding that the claimant should continue to be paid total disability benefits until such time as a form 36 regarding work capacity is approved is without merit. They contend that total disability benefits are

unwarranted because Pravda did not totally disable the claimant prior to October 12, 2018 and stated that any alleged ongoing total disability was the result of the "new" injury. Furthermore, they contend that both Lantner and Strugar, whose opinions the trial judge relied upon in finding causation, have opined that the claimant has a restricted work capacity. Consequently, it is their position that the finding of total disability was made without any medical evidence.

General Statutes § 31-296 (b) states, in pertinent part, that "[b]efore discontinuing or reducing payment on account of total or partial incapacity under any such agreement, the employer or the employer's insurer . . . shall notify the commissioner and the employee, by certified mail, of the proposed discontinuance or reduction of such payments." Subsection (c) describes the requirements of that notification, which is memorialized in the form 36 promulgated by the commission. A "[f]orm 36 is a notice to the compensation commissioner and the [plaintiff] of the intention of the employer and its insurer to discontinue [or reduce] payments. The filing of this notice and its approval by the commissioner are required by statute in order properly to discontinue [or reduce] payments." Rivera v. Patient Care of Connecticut, 188 Conn. App. 203, 204, n.1 (2019) *citing* Brinson v. Finlay Bros. Printing Co., 77 Conn. App. 319, 320, n.1 (2003); and General Statutes § 31-296 (a). Regardless of the respondents' contest of liability, either one of them could have filed a form 36 seeking to have the claimant's status changed from total to partial disability at any time during the pendency of this matter. Despite their failure to do so, the respondents contend that "fairness" dictates a reversal of this portion of the trial judge's decision. We are unpersuaded by this argument given the unambiguous requirements of the statute.

Finally, respondents-appellants have argued that the trial judge erred in denying its motions to correct and for articulation. In reviewing the motion to correct, it is clear that it was merely an effort by the respondents-appellants to substitute its own findings of fact in order to obtain a more favorable decision. A trial judge has wide discretion to determine what evidence is material and probative to her findings and conclusions and she is under no obligation to adopt the claimant's position. See D'Amico v. Dept. of Correction, 73 Conn. App. 718, 728 (2002), *cert. denied*, 262 Conn. 933 (2003); Brockenberry v. Thomas Deegan d/b/a Tom's Scrap Metal, Inc., 5429 CRB-5-09-2 (January 22, 2010), *aff'd*, 126 Conn. App. 902 (2011) (Per Curium); and Liano v. Bridgeport, 4934 CRB-4-05-4 (April 13, 2006). Furthermore, when "a Motion to Correct involves requested factual findings which were disputed by the parties, which involved the credibility of the evidence, or which would not affect the outcome of the case, we would not find error in the denial of such a Motion to Correct." Robare v. Robert Baker Companies, 4328 CRB-1-00-12 (January 2, 2002).

As to the motion for articulation, we have previously held that issues related to causation are generally straightforward and not issues "where the trial court's decision contains some ambiguity or deficiency reasonably susceptible of clarification . . . ." Biehn v. Bridgeport, 5232 CRB-4-07-6 (September 11, 2008), *appeal withdrawn*, A.C. 30336 (March 9, 2011), *quoting* Alliance Partners, Inc. v. Oxford Health Plans, Inc., 263 Conn. 191, 204 (2003) *citing* Miller v. Kirschner, 225 Conn. 185, 208 (1993). Consequently, this board does not agree with the respondents-appellants that the trial judge was obligated to grant an articulation.

Since our review of the evidentiary record in this matter has failed to reveal anything that would cause us to question the inferences and conclusions drawn by the trial judge, we decline to reverse the decision.

The January 11, 2022 Finding and Award of Maureen E. Driscoll, Administrative Law Judge acting for the Third District, is accordingly affirmed.

Administrative Law Judges Daniel E. Dilzer and William J. Watson III concur in this Opinion.