COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS Adjudicatory Case No. 2018-021

(RM-18-0350)

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In the Matter of ) ) FINAL DECISION AND ORDER

Emily G. Strehle, D.O. )

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Procedural History

On May 25, 2018, the Board of Registration in Medicine issued a Statement of Allegations (SOA) against Emily G. Strehle, D.O. (Respondent) and referred the matter to the Division of Administrative Law Appeals (DALA) for Findings of Fact and Conclusions of Law.

DALA Magistrate Bonney Cashin (Magistrate) held a pre-hearing conference on August 7, 2018 and held a hearing on July 6-8, 2021. In her July 16, 2024 Recommended Decision, which is attached hereto and incorporated by reference, the Magistrate found that the Respondent’s experts’ testimony was more reliable than that of the Board’s expert with respect to the standards of care. The Magistrate also found the patient’s testimony was less reliable than that of the Respondent with respect to the events in dispute.

Neither party filed Objections to the Recommended Decision. On July 24, 2024, the Respondent filed “Request for Disposition of Respondent, Emily Strehle, D.O.” requesting that the Board dismiss the charges and exonerate the Respondent.

Discussion

Where a Magistrate’s Findings of Fact rest upon a resolution of credibility questions, the Magistrate is entitled to substantial deference. See *Vinal v. Contributory Retirement Appeal Board*, 13 Mass.App.Ct. 85, 101 (1982). The Board cannot reject a Magistrate’s determination of credibility absent a clear and articulable reason for such a rejection. See *Morris v. Board of Registration in Medicine*, 405 Mass 103, 111 (1989). Having been afforded substantial deference in making credibility determinations, it is incumbent upon the Magistrate to provide thorough and reasoned explanations for her decision to credit or discredit testimony. See *Herridge v. Board of Registration in Medicine*, 420 Mass 154, 156 (1995).

In the current matter, the Magistrate provided clear and detailed reasons for each of her credibility findings and identified the portions of testimony that were relevant to her ultimate Conclusions of Law.

After full consideration of the Magistrate’s Recommended Decision, the Board hereby dismisses the Statement of Allegations on the basis that the Board did not sustain its burden of proving its charges against the Respondent and, in accordance with M.G.L. c. 112, § 5, exonerates the Respondent.

Date: September 12, 2024 Signed by Booker T. Bush, M.D.

Booker T. Bush, M.D., Chair

Board of Registration in Medicine