

COMMONWEALTH OF MASSACHUSETTS

**DEPARTMENT OF
INDUSTRIAL ACCIDENTS**

BOARD NO. 026390-13

Joel M. Lubonski
K. Mooney Construction, Inc.
Associated Employers Ins.

Employee
Employer
Insurer

REVIEWING BOARD DECISION
(Judges Koziol, Horan and Fabricant)

The case was heard by Administrative Judge Preston.

APPEARANCES

Alan S. Pierce, Esq., for the employee
Donald E. Wallace, Esq., for the insurer at hearing
Matthew S. Dunn, Esq., for the insurer on appeal

KOZIOL, J. The insurer appeals from a decision awarding the employee § 34A benefits, as well as §§ 13 and 30 benefits for “reasonable related medical and psychiatric care as directed by the Employee for his work place physical injuries and secondary psychiatric condition.” (Dec. 14.) We reverse the decision, in part

The insurer argues that none of the medical evidence causally related the employee’s psychiatric condition and treatment to his injury of October 3, 2013. (Ins. br. 5-16.) The employee agrees. (Employee’s Request to the Reviewing Board [July 14, 2016].) And so do we. Accordingly, we reverse the award of benefits for the employee’s psychiatric condition and treatment.¹ (Dec. 13.) We amend the order of medical benefits to require payment of “reasonable related medical” care for the employee’s “work-place physical injuries.” (Dec. 14.)

So ordered.

¹ The insurer does not seek reversal of the § 34A award. We note that award was based solely on the employee’s incapacity stemming from his physical injuries, (Dec. 6-13), and that the judge specifically found the employee’s “secondary psychiatric claim” was not “causative of any disability/ incapacity.” (Dec. 13.) Accordingly, the hearing decision is otherwise unaffected by our disposition.

Joel M. Lubonski
Board No. 026390-13

Catherine Watson Koziol
Administrative Law Judge

Mark D. Horan
Administrative Law Judge

Bernard W. Fabricant
Administrative Law Judge

Filed: October 14, 2016