

**COMMONWEALTH OF MASSACHUSETTS**

**DEPARTMENT OF  
INDUSTRIAL ACCIDENTS**

**BOARD NO. 039829-08**

Maureen Bedrosian  
InTown Veterinary Group, Inc.  
AIM Mutual Insurance Company

Employee  
Employer  
Insurer

**REVIEWING BOARD DECISION**  
(Judges Horan, Costigan and Koziol)

The case was heard by Administrative Judge Maher.

**APPEARANCES**

Mark A. Machera, Esq., for the employee  
Ronald N. Sullivan, Esq., for the insurer at hearing  
Ronald L. St. Pierre, Esq., for the insurer on appeal

**HORAN, J.** The insurer appeals from a decision awarding the employee ongoing partial incapacity benefits following a closed period of total incapacity benefits.<sup>1</sup> It raises two issues; we address one and recommit the case for further findings of fact.<sup>2</sup>

The employee worked as a veterinary assistant since 2001. (Dec. 5-6.) On July 30, 2008, while cleaning kennels, she suffered compensable injuries to “her right hand/wrist and arm” when she fell forward from a squatting position. (Dec. 9.) The judge found that following surgery on her right wrist, the employee remained symptomatic. (Dec. 7, 9-10.) He also noted the employee is “right hand dominant.” (Dec. 5.) Because the employee was trained as a medical assistant post injury, and claimed only partial incapacity benefits from December 5, 2010, the judge assigned her a part-time, minimum wage earning capacity as of that date.

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<sup>1</sup> The employee was also awarded an attorney’s fee and medical benefits for a proposed right elbow surgery. (Dec. 11-13.)

<sup>2</sup> We otherwise summarily affirm the decision.

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On appeal, the insurer argues the judge's assessment of the employee's earning capacity was flawed because the employee is left hand dominant and not, as the judge found, right-handed. Indeed, the employee testified she was left-handed. (Tr. 15-16.) On this record we cannot conclude, as the employee maintains, that this was merely a harmless scrivener's error. All of the employee's injuries were to her right upper extremity. Had the judge realized that the employee was left-handed, this fact "could have affected the judge's assessment of the employee's employability." Greene v. Ethyl Prods., 23 Mass. Workers' Comp. Rep. 95 (2009). Accordingly, we recommit the case for further findings of fact addressing the employee's earning capacity.

So ordered.

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Mark D. Horan  
Administrative Law Judge

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Patricia A. Costigan  
Administrative Law Judge

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Catherine Watson Koziol  
Administrative Law Judge

Filed: **July 17, 2012**