

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF
INDUSTRIAL ACCIDENTS

BOARD NO. 018239-08

Scott Marderosian
Trial Court of the Commonwealth
Commonwealth of Massachusetts

Employee
Employer
Self-Insurer

REVIEWING BOARD DECISION
(Judges Horan, Levine and Calliotte)

The case was heard by Administrative Judge Maher.

APPEARANCES

John K. McGuire, Esq., for the employee
Brian T. Mulcahy, Esq., for the self-insurer

HORAN, J. The self-insurer appeals from a decision in which an administrative judge awarded, inter alia, § 34A benefits not claimed by the employee.¹ Because the parties agree the § 34A award should be vacated, “we add our voice to the consensus. . . .” Leary v. M.B.T.A., 19 Mass. Workers’ Comp. Rep. 66 (2005), quoting Beverly v. M.B.T.A., 17 Mass. Workers’ Comp. Rep. 621, 622 (2003). Accordingly, we reverse and vacate the § 34A award.²

So ordered.

Mark D. Horan

Administrative Law Judge

Frederick E. Levine

Administrative Law Judge

Carol Calliotte

Administrative Law Judge

Filed: **August 19, 2013**

¹ “The scope of the administrative judge’s authority at a § 11 hearing is limited to deciding those issues in controversy.” Hall v. Boston Park Plaza Hotel, 12 Mass. Workers’ Comp. Rep. 188, 190 (1998).

² In so doing, we strike the judge’s findings that the employee was permanently and totally disabled from April 6, 2012, to date and continuing, (Dec. 10); the decision otherwise stands.