

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

May 27, 2014

(VIA E-FILED & U.S. Mail)

Ms. Mary Lou Fieni
151 Roseview Drive
West Grove, PA 19390

RE: Mary Lou Fieni v. Catholic Health East
C.A. No.: 13A-07-005 FSS

Upon Appellant's Motion for Reargument - *DENIED*.

Dear Ms. Fieni:

The court has reviewed your motion for reargument. When the court affirmed the Industrial Board's decision, it understood, as you say, that you had medical support for your claim. The jest of the court's decision, however, is that your employer also had support for its position. Accordingly, someone had to decide which doctor's opinion was more believable in order to evaluate your claim. The Board sided with the employer's medical expert opinion.

As I try to explain in the opinion, the court has a very limited roll in an appeal from the Industrial Accident Board. The court has to examine the record and decide whether the Board's decision was supported by evidence. The court is not allowed to weigh the conflicting evidence on its own. In your case, once the court saw that the Board's decision was supported by a doctor's opinion, and the opinion

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reflected the doctor's consideration of your diagnosis, the court was not allowed to decide, on its own, that your doctor's opinion was actually better than the employer's doctor's opinion. Just as you point to "over 45 mistakes" that you see in Dr. Townsend's opinion, the employer would point to mistakes made by Dr. Grossinger. It appears that the Board carefully considered your testimony and the doctors' opinions. That is the way the system is set-up. The court also considered the other points you re-emphasized in your motion for reargument. It bears mentioning again that many of those things, such as your disfigurement case and your employment claim touched-on, but were only remotely part of your RSD/CRPS claim that is this case's subject.

In closing, the court cannot comment on which your "next step should be," but this is the final order in this case and the time for any appeal from it starts from this letter/order's date.

For the foregoing reasons, Appellant's May 5, 2014 motion for reargument of the April 29, 2014 order affirming the Industrial Accident Board's June 14, 2013 decision is **DENIED**.

IT IS SO ORDERED.

Very truly yours,

/s/ Fred S. Silverman

FSS:mes
oc: Prothonotary (Civil)
Andrew J. Carmine, Esquire