

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

E. SCOTT BRADLEY  
JUDGE

1 The Circle, Suite 2  
GEORGETOWN, DE 19947

January 27, 2016

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***RE: Eddie Worthy v. Kent Sussex Industries***  
***C.A. No. S15A-06-002 ESB***

Dear Counsel:

I have affirmed the Industrial Accident Board's Order directing Eddie Worthy to meet with a vocational rehabilitation specialist for the purpose of performing an assessment to determine what vocational services, if any, would benefit Mr. Worthy. I find that there is nothing unreasonable or harmful about doing this even though the Board has previously determined that Mr. Worthy is a "displaced worker."<sup>1</sup> Indeed, it is possible that Mr. Worthy may benefit from such an assessment. I have also affirmed the Board's finding that it is of no consequence that the employee who will

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<sup>1</sup> *Worthy v. KSI*, IAB No. 1377382 (Jan. 8, 2014). See also *1 Arthur Larson & Lex K. Larson, Larson's Workers' Compensation Law*, §10.10[2], at 10-30 (2001). ("The question whether refusal of treatment should be a bar to compensations turns on a determination whether the refusal is reasonable. Reasonableness in turn resolves itself into a weighing of the probability of the treatment's successfully reducing the disability by a significant amount, against the risk of treatment to the claimant.").

perform the assessment, Barbara Stevenson, is employed by the same firm that employs the employee who performed a labor market survey, Ellen Locke, for Kent Sussex Industries in a previous proceeding involving Mr. Worthy before the Board. As the Board noted, Ms. Stevenson was not involved in that previous proceeding and the mere fact that she is employed by the same firm that employs Ms. Locke is, in and of itself, no consequence. I agree with that rationale. Moreover, I believe that, given the limited nature of what Kent Sussex Industries seeks to do now, Mr. Worthy's complaints are premature.

The Industrial Accident Board's decision is AFFIRMED.

**IT IS SO ORDERED.**

Very truly yours,

*/s/ E. Scott Bradley*

E. Scott Bradley

ESB/sal

cc: Prothonotary  
Industrial Accident Board