IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

AMAZON.COM SERVICES, LLC,	)	
	)	
Appellant	)	
	)	
v.	)	C.A. No.: N25A-03-008 SSA
	)	
FRANCES CARR,	)	
	)	
Appellee.	)	

Submitted: October 17, 2025
Decided: November 24, 2025

MEMORANDUM OPINION AND ORDER

Amazon.com Services ("Appellant" or "Employer") appeals the Decision of the Industrial Accident Board (the "Board") that Frances Carr ("Claimant" or "Appellee") is eligible to receive temporary compensation for her total disability. For the reasons that follow, the Court affirms the decision of the Board.

Factual History

Claimant injured her back in September 2023 while working in Employer's warehouse.[1] Dr. Townsend opined that Claimant suffered cervical and lumbar strain but "was capable of working in a sedentary capacity with lifting restrictions."[2] Dr. Downing, also believed Claimant could work sedentarily; however, "Claimant was uncertain whether Employer would offer [her]

[1] *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 2; Claimant's Ex. No. 2, Downing Dep., IAB Hearing No. 1540462, at 12:19–23.
[2] *Carr*, IAB Hearing No. 1540462, at 2, 3.

accommodation."[3] Employer previously provided her accommodations for a different, non-occupational injury.[4]

Claimant began her job search following clearance to work.[5] She applied to approximately 200 positions.[6] By October 24, 2024,[7] Claimant's efforts culminated in two interviews. The first, for a role answering phones, was unsuccessful; the second, for a position with MyEyeDr., would have required her to unload packages exceeding her weight restrictions.[8]

Testimony and Arguments Before the Board

Employer sought to terminate Claimant's benefits.[9] The Board held a hearing on two petitions.[10] Employer argued Claimant failed to qualify as a displaced worker, thereby warranting termination of her total disability benefits.[11] Claimant refuted this challenge.[12] Dr. Riley testified as Employer's vocational expert. Dr. Riley criticized Claimant's job search efforts, including the scope of

[3] *Id*. at 3.
[4] Tr. Riley, IAB Hearing No. 1540462, at 46:18–25; Tr. Carr, IAB Hearing No. 1540462, at 78:10–21 (discussing Claimant's use of a stool under a "modified job."); Appellee's Answering Br., D.I. 10, at 21.
[5] *Carr*, IAB Hearing No. 1540462, at 5. *See also* Claimant's Ex. No. 2, Downing Dep., IAB Hearing No. 1540462, at 17:17–22, 19:13–18.
[6] *Carr*, IAB Hearing No. 1540462, at 10.
[7] October 24 is the date of the hearing before the Board. *Id.* at 2.
[8] *Carr*, IAB Hearing No. 1540462, at 5.
[9] *Id.* at 2.
[10] The Parties do not appeal the Board's ruling on Claimant's petition for payment of medical bills. *See Carr*, IAB Hearing No. 1540462, at 15.
[11] Tr. at 4.
[12] *Carr*, IAB Hearing No. 1540462, at 2.

her applications,[13] and her account of the MyEyeDr. interview.[14] Dr. Riley developed a labor market survey, a report which documents jobs "available to a person with Claimant's educational and vocational background and with her physical restrictions…."[15] The Board denied Employer's petition to terminate benefits, concluding that Claimant remained actually displaced and therefore "temporarily entitled to compensation for total disability."[16] This appeal followed.

Standards of Review

Appeal from the Industrial Accident Board

The Court's role here is limited to determining "whether the [Board's] ruling is supported by substantial evidence and free from legal error."[17] Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."[18] The Court "must view the record in the light most favorable to the prevailing party below[,]"[19] and it "will not weigh the evidence, determine questions of credibility, or make its own factual findings."[20] It "may

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[13] *Carr*, IAB Hearing No. 1540462, at 6.
[14] Tr. Riley, IAB Hearing No. 1540462, at 40:14–41:11.
[15] *Carr*, IAB Hearing No. 1540462, at 5.
[16] *Id.* at 14.
[17] *Wyatt v. Rescare Home Care*, 81 A.3d 1253, 1258 (Del. 2013) *quoting Diamond Fuel Oil v. O'Neal,* 734 A.2d 1060, 1062 (Del. 1999). *See also* 29 *Del. C.* § 10142(d) ("The Court, when factual determinations are at issue, shall take due account of the experience and specialized competence of the agency….").
[18] *Person-Gaines v. Pepco Holdings, Inc.*, 981 A.2d 1159, 1161 (Del. 2009) *quoting Olney v. Cooch*, 425 A.2d 610, 614 (Del. 1981).
[19] *Wyatt*, 81 A.3d at 1258–59 (Del. 2013) *citing Steppi v. Conti Elec., Inc.*, 991 A.2d 19, at *3 (Del. 2010).
[20] *Person-Gaines*, 981 A.2d at 1161 *citing Johnson v. Chrysler Corp.*, 213 A.2d 64, 66–67 (Del. 1965).

only overturn a factual finding of the Board when there is no satisfactory proof in favor of such a determination."[21] *De novo* review governs the Board's alleged legal error.[22] However, the Court "give[s] heavy weight to the [Board's] application of legal principles in the specialized context of our state's workers' compensation scheme, because the [Board] has the occasion to give life to that scheme on a weekly basis…."[23]

Displaced Worker Doctrine

Central here is the "displaced worker doctrine," which "recognizes that a worker who is not totally disabled may nonetheless be entitled to total disability benefits…."[24] Chiefly, "[a] displaced worker is a partially disabled claimant … deemed to be totally disabled because [s]he is unable to work in the competitive labor market as a result of a work-related injury."[25] Claimant "must demonstrate that [s]he is a displaced worker, either by showing that [s]he is a *prima facie* displaced worker, or that [s]he 'made reasonable efforts to secure suitable employment which have been unsuccessful because of the injury.'"[26] Since

[21] *Wyatt*, 81 A.3d at 1259 (Del. 2013) *citing Steppi v. Conti Elec., Inc.,* 991 A.2d 19, at *2 (Del. 2010).
[22] *Person-Gaines*, 981 A.2d at 1161. *See also Pugh v. Wal-Mart Stores, Inc.*, 2007 WL 1518970, at *2 (Del. Super.).
[23] *Christiana Care Health Servs. v. Davis*, 127 A.3d 391, 395 (Del. 2015) (citations omitted).
[24] *Watson v. Wal-Mart Assocs.*, 30 A.3d 775, 779 (Del. 2011).
[25] *Id.* at 777.
[26] *Id. at* 779 *quoting Franklin Fabricators v. Irwin*, 306 A.2d 734, 737 (Del. 1973).

Claimant is not *prima facie* displaced,[27] the Board considered whether she satisfies the latter 'actual displacement' standard.[28] Having the standard of review on appeal and the displaced worker doctrine in hand, the Court sets forth in its review.

Analysis

Appellant first challenges the Decision as "not supported by substantial evidence given the lack of a good faith job search and lack of evidence that Claimant was not hired due to her restrictions."[29] "[A] reasonable job search entails a diligent, good faith effort to locate suitable employment in the vicinity."[30] This is a factual determination,[31] involving the documentation, timing, suitability, and quantity of applications. For example, a claimant's "vague assertions that he looked for work" are insufficient.[32] Even with documentation, the factfinder will consider whether "the job search was conducted for litigation purposes, rather than for actually finding employment…."[33] Delay and low effort also diminish

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[27] *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 12. "A worker is prima facie displaced when there is an obvious physical impairment coupled with other factors, such as the injured worker's mental capacity, education, training and age." *Runyon v. Baker Driveway Co.*, 1985 WL 189284, at *3 (Del. Super.) *citing Chrysler Corp. v. Duff*, 314 A.2d 915 (Del. 1973).

[28] *See generally Roos Foods v. Guardado*, 152 A.3d 114, 119 (Del. 2016) *citing Duff*, 314 A.2d at 917.

[29] Appellant's Opening Br., D.I. 8, at 10.

[30] *Bernier v. Forbes Steel & Wire Corp.*, 1986 WL 3980, at *2 (Del. Super.).

[31] *See Am. Original Corp. v. Bailey*, 1992 WL 179405, at *4 (Del. Super.).

[32] *Guyer v. Atl. Realty Mgmt.*, 2013 WL 1787310, at *5 (Del. Super.). Similarly, a claimant's categorical failure to undertake a job search precludes reasonableness. *See Hatfield v. Delaware*, 1986 WL 9042, at *2 (Del. Super.).

[33] *Tooley v. Bayhealth Med. Ctr.*, 2014 Del. Workers' Comp. LEXIS 82, at *13 (Claimant waited eight months to apply to "most of the jobs listed on his job search log.").

reasonableness.[34] There is no "definite number of jobs for which a claimant must have applied[,]"[35] but the quantity of suitable positions is probative.

Although a job search must be reasonable, it need not be perfect.[36] Instructive here is *Watson v. Wal-Mart Associates*. There, the Court held a claimant who "applied for a reasonable number of jobs that were available and within his physical limitations … should not [have it] count[ed] against him if he also applied for jobs … beyond his physical restrictions."[37] Claimant must make reasonable—not perfect—efforts.[38] Appellant seeks to treat reasonableness as a sliding scale hinging on skill level.[39] *Watson* does not indicate that the reasonableness threshold is lower for unskilled workers. Although *Watson* classified the claimant as unskilled,[40] it framed its holding in general terms.[41] Sometimes, a claimant's

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[34] *See Brown v. Amazon.com, Inc.*, 2017 Del. Workers' Comp. LEXIS 39, at *28; *Goldman v. Del. Valley Remediation*, 2018 Del. Workers' Comp. LEXIS 63, at *16–17; *Ayers-Sanders v. Chimes Int'l, LTD*, 2012 Del. Workers' Comp. LEXIS 152, at *32–33 (claimant began her search four months after clearance to work, applying for only "ten to fifteen [mostly unsuitable] jobs in an over six month period.").
[35] *Am. Original Corp. v. Bailey*, 1992 WL 179405, at *4 (Del. Super.).
[36] *Watson*, 30 A.3d at 779.
[37] *Id.* at 779.
[38] *Id.* quoting *Franklin Fabricators v. Irwin*, 306 A.2d 734, 737 (Del. 1973). *See also id.* ("The Board cannot find against the claimant simply because the claimant did not do everything [s]he could have done.").
[39] Specifically, Appellant argues that "Claimant should not get the benefit of a low bar for reasonableness that is supposed to be applied to unskilled workers." Appellant's Opening Br., D.I. 8, at 14. Appellant revisited this theory at oral argument.
[40] *Watson*, 30 A.3d at 781 (discussing "[u]nskilled laborers, like Watson….").
[41] *Id.* at 779 (emphasis added) ("The Board cannot find against the *claimant* simply because the *claimant* did not do everything…. If the *claimant* shows that he conducted a reasonable job search….").

characteristics *will* influence reasonableness;[42] however, both skilled and unskilled workers must show a good faith effort towards finding suitable employment.

To that end, the record supports the Board's finding that Claimant made reasonable efforts. The Board totaled Claimant's applications at above 200,[43] viewing the variety of positions as indicative of her effort.[44] It recognized her motivation "to find employment, because what she receives from workers' compensation is insufficient to meet her bills."[45] Claimant did not delay her search; instead, she began the same month her doctor cleared her to work.[46] She documented applications from April to October.[47] The Board acknowledged some of Dr. Riley's criticisms.[48] But, it gave greater weight to Claimant's efforts.

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[42] *Roos Foods v. Guardado*, 152 A.3d 114, 121 (Del. 2016) (holding that a claimant's "status as an undocumented worker should be taken into account as a factor in determining whether she has made reasonable, but unsuccessful, efforts to secure suitable employment.").
[43] *Carr*, IAB Hearing No. 1540462, at 13. *Cf. Watson*, 30 A.3d at 778 (claimant's application to a dozen-plus suitable positions constituted a reasonable job search).
[44] Namely, the Board noted that "some of these [jobs] have been a little 'out of the realm' just to try to get her foot in the door, but she is trying to find work." *Carr*, IAB Hearing No. 1540462, at 10. This word choice mirrors Claimant's statement that "it gets to a point where I kind of run out of jobs … [so] some of these jobs that I applied for were *a little bit out of the realm*." Tr. Carr, IAB Hearing No. 1540462, at 85:15–19 (emphasis added).
[45] *Carr*, IAB Hearing No. 1540462, at 13–14. *See also* Tr. Carr, at 86:1–23. *See generally Schmitt v. Cecil Vault & Mem'l Co. New Castle Cnty.*, 1983 WL 413313, at *2 (Del. Super.) ("[M]otivation may be relevant in determining the sincerity of the effort….").
[46] *Carr*, IAB Hearing No. 1540462, at 5, 13. *See also* Tr. Carr, at 15:12–13.
[47] *See* Claimant's Ex. No. 1. *See generally* Claimant's Ex. No. 1, 4. *Cf. Runyon v. Baker Driveway Co.*, 1985 WL 189284, at *3 (Del. Super.) ("Employee … provided no documentation of his efforts to find a job and could not remember the names of the guard agencies where he applied."); *Tooley v. Bayhealth Med. Ctr.*, 2014 Del. Workers' Comp. LEXIS 82, at *13 ("[T]he vast majority of Claimant's job search was conducted within the month before the hearing….").
[48] *Carr*, IAB Hearing No. 1540462, at 14.

An actually displaced worker also "must show … she was unable to obtain employment due to her disability."[49] Appellant contends that Claimant's applications and correspondence are insufficient on this front.[50] However, the record—her email correspondence, her disclosure of her restrictions at half of her interviews, and Appellant's decision to not rehire her—constitutes substantial evidence that Claimant's lack of success is due to her injury. Moreover, the impracticality of disclosure via resume and the prevalence of positions within Claimant's restrictions are relevant considerations.

"If an injured employee, while conducting a reasonable job search, notifies prospective employers about the injury and is denied employment, an inference arises that such denial was a result of the injury."[51] The way people apply for jobs has changed since the *Keeler* decision in 1998. Gone is the era of phone calls to prospective employers in response to classified advertisements in the newspaper or stopping to chat with a manager in response to a 'help wanted' sign in the window of a business. Today, employers post jobs online and the format in which information is relayed is dictated by text boxes and character limits. Based on the

[49] *Dixon v. Del. Veterans Home*, 2013 WL 422885, at *4 (Del. Super.). The Court uses "disability," "restrictions," "limitations," and "injury" interchangeably here.
[50] D.I. 8, at 15–16.
[51] *Keeler v. Metal Masters Foodservice Equip. Co.*, 712 A.2d 1004, 1005–06 (Del. 1998) *citing Schmitt v. Cecil Vault & Mem'l Co. New Castle Cnty.*, 1983 WL 413313, at *1–3 (Del. Super.).

facts of this case, perhaps the inference from *Keeler* is not warranted, but the landscape has changed and that is worth noting.

Most of Claimant's interactions with employers were through Indeed.com, a job search platform.[52] If correspondence with most employers did not progress past submitting a resume,[53] then it is hard to justify penalizing Claimant for not yet disclosing her limitations.[54] Additionally, Claimant sought out positions within her limitations, a fact that logically renders disclosure unnecessary.[55]

Where Claimant did interact further with employers (such as the job survey participants), she asked about on-the-job lifting and walking.[56] The Board treated this practice as representative of her other communications.[57] Claimant also disclosed her limitations at one interview, when she learned the job involved duties

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[52] Claimant made 133 applications through Indeed.com. Appellee's Answering Brief, D.I. 10, at 10. As Claimant's documentation indicates, applications via Indeed tend to require only a resume and, at times, a questionnaire. *See* Claimant's Ex. No. 4.

[53] Claimant's documentation recurringly shows "[n]ot selected by employer" under her applications. Claimant's Ex. No. 4.

[54] In other words, having her disclose her restrictions 'up front' at the initial resume stage carried its own risks. Further, at the hearing Appellant advocated for an approach under which a claimant *only discloses* her restriction *upon receiving a job offer*. Tr., IAB Hearing No. 1540462, at 94:1–9.

[55] As Claimant's attorney pointed out, her aim for sedentary duty positions made disclosure counterintuitive. Appellee's Answering Br., D.I. 10, at 20.

[56] Tr. Carr, IAB Hearing No. 1540462, at 82:24–83:10. In the record are three emails in which Claimant asked hiring managers whether the position "require[s] no lifting more than 10 pounds with limited walking[.]" Claimant's Ex. No. 4, at 61, 62, 71. All three emails included a copy of her resume. *See also* Tr. Carr, at 16:8–16.

[57] For one matter, the Board referenced Claimant's questions in its Decision, noting that "[s]he did ask if the job had lifting requirements and she told them she could lift under ten pounds." *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 5.

beyond her weight restrictions.[58] She did not hear from every employer. But "simply because an employer has not contacted the claimant to formally reject her, does not mean that … [she] has not been turned down for the job."[59] At the time of the hearing, five weeks had passed since many of her applications[60]—enough time to infer a rejection.[61]

In *Watson*, "Wal-Mart's failure to rehire Watson [was] strong evidence that [he was] a displaced worker."[62] The effect of failure to rehire will vary based on context.[63] Though, such failure "may weigh heavily…."[64] Here, the Board

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[58] At Claimant's MyEyeDr. interview, she recalled, "I asked how heavy the boxes were and then I did say I have restrictions on lifting boxes and she [the interviewer] said, well, these boxes are up to 50 pounds." Tr. Carr, at 84:11–14. *See also id.* at 21:1–6. The other position which Claimant interviewed for—a job answering phones—ostensibly did not necessitate discussing sedentary or weigh limit restrictions.

[59] *Dixon*, 2013 WL 422885, at *4 *citing Watson v. Wal-Mart Assocs.*, 30 A.3d 775, 780 (Del. 2011).

[60] *See* Claimant's Ex. No. 1.

[61] *Dixon*, 2013 WL 422885, at *4. There, the Court found "a sufficient amount of time … to infer [rejection]" where three to five weeks passed since application. *Id.*

[62] *Watson*, 30 A.3d at 780 *citing Chrysler Corp. v. Duff*, 314 A.2d 915, 918 (Del. 1973). *See also Torres v. Allen Fam. Foods*, 672 A.2d 26, 30 (Del. 1995) *quoting Chrysler Corp. v. Duff*, 314 A.2d 915, 917–18 (Del. 1973) ("While the refusal to rehire is a factor which may "weigh heavily" in the analysis, it is not dispositive.").

[63] *Duff*, 314 A.2d at 918 ("[T]he rehiring refusal factor is … to be considered among all the others in determining whether the employee has made a … showing of 'reasonable efforts to secure suitable employment'."). *See also Torres v. Allen Fam. Foods*, 672 A.2d 26, 30 (Del. 1995) (determining that refusal to rehire reflected the impracticality of rehiring the claimant, given that the "working conditions … exacerbated her physical condition and contributed to her departure…."); *Guyer v. Atl. Realty Mgmt.*, 2013 WL 1787310, at *4 (Del. Super.) ("Employer's inability to accommodate Mr. Guyer's need for sedentary employment did not constitute strong evidence of displacement in light of Employer's small size and lack of sedentary employment opportunities.").

[64] *Duff*, 314 A.2d at 917.

addressed Claimant's uncertainty about accommodations.[65] Appellant "previously accommodated a restriction relating to [her] non-occupational ankle injury."[66]

The Court will not second guess the Board's determination that "Claimant has made substantial efforts to locate employment, doing the sort of things that … the majority of job seekers would do."[67] The Board favored Claimant's version of events. In sum, it took the view—albeit not expressly—that Claimant's method of asking about restrictions was representative of her search and thereby imputed notice for the *Keeler* inference. At the same time, her failure to progress beyond resume submissions and the sedentary nature of certain jobs logically rendered up-front disclosure unnecessary. Additionally, Appellant's failure to rehire Claimant constituted strong evidence of her displacement. Substantial evidence therefore exists for the determination that "Claimant has successfully demonstrated that she is actually displaced as a result of her work injury and restrictions."[68] This Court cannot say that there is "*no* satisfactory proof in favor of such a determination."[69]

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[65] *Carr*, IAB Hearing No. 1540462, at 3.
[66] Appellee's Answering Br., D.I. 10, at 21.
[67] *Carr*, IAB Hearing No. 1540462, at 14.
[68] *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 14.
[69] *Wyatt*, 81 A.3d at 1259 (emphasis added) *citing Steppi v. Conti Elec., Inc.,* 991 A.2d 19, at *2 (Del. 2010).

Legal Error

When the claimant carries her burden, "the burden shifts to the employer to rebut … [her] showing."[70] The employer may "show[] the availability of regular employment within the employee's capabilities."[71] It generally does so through "a vocational specialist who has prepared a labor market survey identifying jobs that the claimant is qualified to perform."[72] "The evidence … must outweigh all evidence opposing it."[73] Here, Appellant contends that "the Board's decision to deny Employer's petition … constituted legal error when the Board did not consider whether Employer showed evidence of job availability within Claimant's restrictions."[74]

A successful survey must "demonstrate that appropriate jobs actually were available, and that the prospective employers would hire … a person in [the applicant's] position."[75] The survey's "focus must be on jobs that are … reasonably tailored to a claimant's circumstances."[76] It should "present a representative sample of jobs in the *current* labor market…."[77] A satisfactory

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[70] *Watson,* 30 A.3d at 779.
[71] *Franklin Fabricators v. Irwin*, 306 A.2d 734, 736 (Del. 1973) *citing Ham v. Chrysler Corp.*, 231 A.2d 258 (Del. 1967).
[72] *Watson*, 30 A.3d at 779–80.
[73] *Brandywine Const. Co. v. Hutchens*, 1998 WL 438762, at *1 (Del. Super.) *citing Franklin Fabricators*, 306 A.2d at 737.
[74] Appellant's Opening Br., D.I. 8, at 18.
[75] *Watson*, 30 A.3d at 781 (footnote omitted).
[76] *Horne v. Genesis Healthcare*, 2008 WL 282312, at *4 (Del. Super.) *citing Abex Corp. v. Brinkley*, 252 A.2d 552 (Del. Super. 1969).
[77] *Sabo v. Pestex, Inc.*, 2004 WL 2827902, at *3 (Del. Super.) (emphasis added).

survey "provide[s] reliable and sufficient information"[78] and speaks to "the contemporaneous availability of employment."[79]

A claimant has several means to discredit a survey. Chiefly, her unsuccessful application "for most of the jobs on the survey" reduces its force.[80] She may refute a vocational counselor's testimony about the survey.[81] Further, "many factual inaccuracies in preparing [the] expert report call[] the validity of the entire report into question."[82] In a similar vein, the survey's inclusion of jobs outside of the claimant's vicinity may weaken its value.[83]

In this case, Claimant levied several challenges. She applied to most of the jobs.[84] Although she searched for each online,[85] multiple positions were unavailable.[86] A fourth of the jobs were thirty or more miles from Claimant's home.[87] One representative testified that its position was "100 percent walking

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[78] *Guardado v. Roos Foods, Inc.*, 2018 WL 776422, at *6 (Del. Super.).
[79] *Watson*, 30 A.3d at 780 *quoting Adams v. Shore Disposal, Inc.*, 720 A.2d 272, 273 (Del. 1998).
[80] *Watson*, 30 A.3d at 780.
[81] *Kelley v. ILC of Dover, Inc.*, 1997 WL 817847, at *1–3 (Del. Super.) (holding that the Board committed legal error by refusing claimant's request to issue subpoenas which would have discredited expert's testimony).
[82] *Yoder v. Twin River Mgmt. Grp., Inc.*, 2025 WL 2207447, at *6 (Del. Super.).
[83] *Am. Original Corp. v. Bailey*, 1992 WL 179405, at *1, 4 (Del. Super.) (positions on survey were outside of claimant's vicinity, and Board's finding against employer was not legal error).
[84] Tr., at 98:10–14.
[85] Tr. Carr, at 80:9–10.
[86] Tr., at 98:10–14. For example, after Dr. Riley notified Claimant about three jobs, Claimant could not find them within the next twenty-four hours. Tr. Carr, at 81:12–21. *See also* Claimant's Ex. No. 4, at 48–51. Similarly, although Dr. Riley represented that one employer had an opening at the time of the hearing, Claimant countered that the listing was not available on the website. Tr. Riley, 53:12–55:14.
[87] *Id.* at 48:20–49:13; Tr., at 98:14–16.

door-to-door" for around eight hours daily.[88] At the hearing, Claimant contended that "the … survey is unreliable and [the Board] should disregard" it.[89]

In this context, the Board's consideration of the survey did not constitute legal error. Despite the brevity of its Decision,[90] the Board reviewed the jobs' availability and Dr. Riley's preparation of the survey.[91] In a nod to the principle that unsuccessful application to "most of the jobs on the survey" will "significantly diminish[]" its value,[92] the Board reasoned that Claimant's "persisting inability to find suitable employment" thereby lessened the survey's force.[93] This conclusion in Claimant's favor constitutes an implicit adoption of the Claimant's argument that the survey is unreliable.[94] Because sufficient grounds exist to doubt the survey's reliability, the Board has not erred.

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[88] Tr. Carlson, at 65:19–20.
[89] Tr., at 97:13–14.
[90] An opinion's length does not denote the absence of necessary reasoning, and the Board need not spell out the influence of every fact. *Runyon v. Baker Driveway Co.*, 1985 WL 189284, at *3 (Del. Super.) *quoting DiSabatino Brothers, Inc. v. Wortman*, 453 A.2d 102, 106 (Del. 1982) ("The Board did not state why it rejected [certain testimony]…. However, it appears that they simply considered the objective evidence … more persuasive. 'As the triers of fact, they were entitled to do just that'."). *See also Bayhealth Med. Ctr. v. Loper*, 2016 WL 3568643, at *8 (Del. Super.) (emphasis added) ("None of the companies [offered by employer's witness] hired Loper. *This does not always require a verbose analysis*.").
[91] *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 5–6.
[92] *Watson,* 30 A.3d at 780.
[93] *Carr v. Amazon.com Servs.*, IAB Hearing No. 1540462 (Feb. 25, 2025), at 14.
[94] "[T]he Board has the discretion to accept one opinion over another, if the decision is supported by substantial evidence." *Horne v. Genesis Healthcare*, 2008 WL 282312, at *4 (Del. Super.) *quoting Wyatt-Helie v. Playtex Apparel,* 2006 WL 2904459, at *4 (Del. Super.).

Conclusion

Claimant's documentation and testimony show a sufficiently reasonable effort to locate suitable employment. Corresponding with employers, Claimant alluded to her restrictions where appropriate. Appellant did not rehire her. The record thus comprises substantial evidence that Claimant is a displaced worker. Likewise, the Board considered the substantial flaws in Appellant's labor market survey, deeming it unreliable; because the Board sufficiently addressed Appellant's failure to meet its burden, no legal error exists. The decision of the Board is AFFIRMED.

IT IS SO ORDERED.

/s/Sonia Augusthy
Judge Sonia Augusthy