

**FALCONE v. UNITED
TECHNOLOGIES CORP., 266
CRD-6-83 (4-16-87)**

ANTHONY FALCONE, CLAIMANT-APPELLEE vs. UNITED TECHNOLOGIES
CORP., PRATT WHITNEY DIVISION, EMPLOYER and LIBERTY MUTUAL
INSURANCE CO., INSURER, RESPONDENTS-APPELLANTS
CASE NO. 266 CRD-6-83 CASE NO. 267 CRD-6-83 Workers'
Compensation Commission
APRIL 16, 1987

The claimant was represented at the trial level by Peter Tinella of Lodge 1746-A. On appeal, the claimant appeared pro se, Anthony Falcone.

The respondents were represented by Brian Prindle, Esq.

This Petition for Review from the September 13, 1983 Finding and Awards of the Commissioner of the Sixth District was heard April 26, 1985 before a Compensation Review Division panel consisting of the Commission Chairman, John Arcudi, and Commissioners Gerald Kolinsky and Frank Verrilli.

OPINION

JOHN ARCUDI, Chairman.

Claimant sought benefits under Sec. 31-308(d) C.G.S. For scars on his left fourth finger and right second finger. Both Finding and Awards entered by the Sixth District Commissioner September 13, 1983 present the same issue. Respondents argue that neither scar is "significant" within the meaning of Sec. 31-308(d) as amended by the 1979 General Assembly.

Morro v. United Technologies Corporation, 347 CRD-4-84 (March 2, 1987) involves the same respondents as the instant case and treats the same issue. In the present matter,

however, the Commissioner's awards seem inconsistent with the findings on which they are based.

The Sixth District used a form decision for these disfigurement awards. The form employed declares the "scar does not constitute a permanent significant disfigurement." Apparently if the commissioner finds the disfigurement to be significant the word "not" is to be deleted on the form. In these two cases it was not erased. Nonetheless, the commissioner awarded compensation.

It may very well be that the commissioner did intend to consider these disfigurements not to be significant and that the one week award in each case was in error. We cannot tell from the documents submitted. We therefore remand to the Sixth District to clarify the Finding.

The appeal is sustained and the matter is remanded for further proceedings consonant with this opinion.

Commissioners Gerald Kolinsky and Frank Verrilli concur.