

JENCIK v. CHIEF AUTOMOTIVE SYSTEMS, 3376 CRB 5-96-7 (2-28-1997)

ALBERT JENCIK, CLAIMANT-APPELLEE v. CHIEF AUTOMOTIVE SYSTEMS,
EMPLOYER and LIBERTY MUTUAL INSURANCE CO., INSURER,
RESPONDENTS-APPELLANTS and SECOND INJURY FUND, RESPONDENT-
APPELLEE[1]

CASE NO. 3376 CRB 5-96-7 Workers' Compensation Commission
FEBRUARY 28, 1997

[1] The Second Injury Fund had filed a petition for review, but subsequently withdrew its appeal. The claimant was represented by Robert Cohen, Esq., Levy Droney, P.C.

The respondents were represented by Debra S. Dee, Esq., Law Offices of Nancy Rosenbaum, who did not appear at oral argument.

The Second Injury Fund by Taka Iwashita, Esq., Assistant Attorney General, who did not appear at oral argument.

This Petition for Review from the July 5, 1996 Finding and Award of the Commissioner acting for the Fifth District was heard February 28, 1997 before a Compensation Review Board panel consisting of the Commission Chairman Jesse M. Frankl and Commissioners James J. Metro and Angelo L. dos Santos.

DISMISSAL

JESSE M. FRANKL, CHAIRMAN.

The employer and its insurer ("respondents") have filed a petition for review from the July 5, 1996 Finding and Award of the Commissioner acting for the Fifth District. The respondents have failed to file a brief and failed to appear

at oral argument before this board. In addition, the respondents failed to file their reasons of appeal in a timely manner pursuant to § 31-301-2.

Accordingly, by a bench ruling the compensation review board dismissed the respondents' appeal for failure to prosecute with proper diligence pursuant to Practice Book § 4184A. See *Divita v. Thames Valley Steel*, 12 Conn. Workers' Comp. Rev. Op. 50, 1541 CRB-2-92-10 (Jan. 26, 1994); *Milardo v. Shuck Petroleum*, 11 Conn. Workers' Comp. Rev. Op. 279, 1559 CRB-8-92-11 (Nov. 22, 1993); *Hargatai v. Copy Data, Inc.*, 11 Conn. Workers' Comp. Rev. Op. 106, 107, 1475 CRB-4-92-7 (June 2, 1993).

The respondents' appeal is dismissed.

Commissioners James J. Metro and Angelo L. dos Santos concur.