

# ANGELL v. GUIDA SEIBERT DAIRY, 1836 CRB-1-93-9 (4-28-95)

WILLIAM ANGELL, CLAIMANT/APPELLANT v. GUIDA SEIBERT DAIRY,  
EMPLOYER and HARTFORD INSURANCE GROUP, INSURER, RESPONDENTS-  
APPELLEES and SECOND INJURY FUND, RESPONDENT-APPELLEE  
CASE NO. 1836 CRB-1-93-9 Workers' Compensation Commission  
APRIL 28, 1995

The claimant was represented by Richard E. Joaquin, Esq.,  
Asselin Associates, P.C.

The respondents were represented by Jason M. Dodge, Esq.,  
Pomeranz, Drayton Stabnick.

This Petition for Review from the August 26, 1993 Finding and  
Award of the Commissioner acting for the First District was  
heard September 30, 1994 before a Compensation Review Board  
panel consisting of the Commission Chairman Jesse M. Frankl  
and Commissioners Angelo L. dos Santos and Michael S. Miles.

## OPINION

JESSE M. FRANKL, CHAIRMAN.

The claimant seeks a review of the Finding and Award issued on  
August 26, 1993 by the First District. The trial commissioner  
addressed the issue of the chronological order in which  
benefits should be paid to the claimant where an unexpected  
period of temporary total disability interrupted a period for  
which the claimant had accepted a commutation of thirty weeks  
of permanent partial benefits. The trial commissioner  
determined that the claimant properly received benefits for  
total disability pursuant to § 31-307 C.G.S. for 23 and 6/7  
weeks during the period for which he had received the  
commutation for permanent partial benefits. The trial

commissioner ordered that the remaining 23 and 6/7 weeks of permanent partial disability benefits be applied to the weeks immediately following the cessation of his temporary total benefits. We agree.

In support of his appeal, the claimant seeks to receive four weeks of temporary partial benefits under § 31-308(a) C.G.S. prior to having received the total remaining weeks of permanent partial benefits which had been agreed upon in an approved voluntary agreement. This Board has addressed similar factual circumstances in *Antonucci v. Hartford*, 5 Conn. Workers' Comp. Rev. Op. 151, 511 CRD-1-86 (1988). In that case, we ruled that where a claimant becomes temporarily totally disabled during a period for which he has accepted a commuted payment of permanent partial benefits, the claimant will receive temporary total benefits in place of the permanent partial benefits. We further ruled that the permanent partial benefits, which were interrupted by the temporary total benefits, will be "tacked on" immediately following the period of temporary total disability payments. *Antonucci*, supra, 152. We thus conclude that the trial commissioner properly ordered the remaining 23 6/7 weeks of permanent partial benefits to be paid to the claimant following his receipt of temporary total benefits.

The trial commissioner's decision is affirmed.

Commissioners Angelo L. dos Santos and Michael S. Miles concur.