

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

**WORKERS' COMPENSATION COURT
APPELLATE DIVISION**

ALFRED J. WATTERSON)

)

VS.) W.C.C. 04-01219

)

THIELSCH ENGINEERING INC.

ORDER OF REMAND FROM THE APPELLATE DIVISION

This matter is before the Appellate Division on the appeal of the respondent/employer. The employee filed an original petition on February 17, 2004 alleging that he sustained a left knee injury on April 22, 2003 which resulted in a period of incapacity from May 20, 2003 to June 19, 2003. During that period of incapacity, the employee underwent arthroscopic surgery on the knee. In his petition, the employee requested permission for arthroscopic surgery. The medical evidence indicates that the employee's treating physician has recommended another arthroscopy to address continued problems with the knee. The trial judge granted the petition and awarded benefits for the closed period of incapacity requested by the employee. She also ordered the employer to pay the cost of the arthroscopic surgery. However, the trial judge did not make any findings as to whether the second arthroscopic procedure is necessary to treat the work-related injury. Therefore, it is hereby ordered:

1. That the matter is remanded to the trial judge for the purpose of determining, based upon the evidence presently contained in the record, whether the arthroscopic surgery proposed by Dr. Norman Kornwitz on January 23, 2004 is necessary to cure, rehabilitate or relieve the

employee from the effects of the work-related injury he sustained to his left knee on April 22, 2003.

2. After the trial judge has rendered her decision on this issue, the matter will be returned to the Appellate Division for further proceedings regarding the employer's appeal.

Entered as an Order of the Appellate Division this day of

BY ORDER:

John A. Sabatini, Administrator

ENTER:

Olsson, J.

Sowa, J.

Ricci, J.

I hereby certify that copies were mailed to James A. Currier, Esq., and David G. Sullivan, Esq., on
