

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

WORKERS' COMPENSATION COURT
APPELLATE DIVISION

MARIA SANTORO)

)

VS.)

W.C.C. 2008-02445

)

CITY OF PROVIDENCE/SCHOOL DEPT.)

DECISION OF THE APPELLATE DIVISION

OLSSON, J. This matter is before the Appellate Division on the employee's appeal from the denial of her petition alleging a return of incapacity and requesting authorization to treat with Dr. Carlos Brogna and Dr. Peter Bellafiore. After reviewing the documents submitted by the employee in support of her appeal, we affirm the decision and decree of the trial judge and deny and dismiss the appeal.

Ms. Santoro has a long history at the Workers' Compensation Court dating back over ten (10) years. In the current petition, she alleges that she has sustained a return of incapacity due to injuries she sustained in 1994 and 1995 while working for the Providence School Department as a teacher's aide. She also requests permission from the court to consult and/or treat with Drs. Brogna and/or Bellafiore. The petition was denied at the pretrial conference and the employee claimed a trial.

This petition, W.C.C. No. 2008-02445, was consolidated with a second petition, W.C.C. No. 2008-05345, for trial. The trial judge rendered a bench decision denying both of the petitions on January 23, 2009 and entered the respective decrees containing the findings and

orders on January 30, 2009. Unfortunately, a clerical error resulted in the incorrect heading and case number being placed on the decrees. When this error came to light, the court, *sua sponte*, issued amended decrees in both cases on March 31, 2009. The decrees were entered *nunc pro tunc* as of the date of the original decrees.

Ms. Santoro filed a claim of appeal in the present matter and also filed a motion to proceed *in forma pauperis* seeking payment of the filing fee and the cost of producing a transcript of the trial. The motion was denied on March 13, 2009. Consequently, we do not have a transcript of the trial or the bench decision of the trial judge.

The trial judge found that the employee had failed to prove that she sustained a return of incapacity due to work injuries which occurred on September 14, 1994 or November 28, 1994. In addition, he concluded that the employee failed to establish that the employer has refused to pay for necessary medical services. Our review of the material available to the panel in the case file reveals no error on the part of the trial judge.

Ms. Santoro is adamant that her many physical complaints all stem from a series of work injuries she sustained while working for the Providence School Department. She continues to argue that various injury reports and medical reports incorrectly documented her injuries when they occurred, despite the fact that these issues were litigated years ago. The allegations in this petition, particularly regarding an increase or return of incapacity, have previously been brought before the court on a number of occasions. Although the medical reports indicate that she has some degree of disability and physical restrictions, none of the physicians have related her current physical problems to any particular work injury with any degree of certainty. In addition, we cannot find any information as to the request for consultation or treatment with Drs. Bellafiore and Brogna and how it relates to the work injuries.

For the foregoing reasons, we deny and dismiss the employee's appeal and affirm the decision and decree of the trial judge. In accordance with Rule 2.20 of the Rules of Practice of the Workers' Compensation Court, a final decree, a copy of which is enclosed, shall be entered on

Connor and Hardman, JJ. concur.

ENTER:

Olsson, J.

Connor, J.

Hardman, J.

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FINAL DECREE OF THE APPELLATE DIVISION

This cause came on to be heard by the Appellate Division upon the appeal of the petitioner/employee and upon consideration thereof, the appeal is denied and dismissed, and it is

ORDERED, ADJUDGED, AND DECREED:

The findings of fact and the orders contained in a decree of this Court entered on January 30, 2009 be, and they hereby are, affirmed.

Entered as the final decree of this Court this day of

PER ORDER:

John A. Sabatini, Administrator

ENTER:

Olsson, J.

Connor, J.

Hardman, J.

I hereby certify that copies of the Decision and Final Decree of the Appellate Division were mailed to Maria Santoro, *pro se*, and Paul M. Gionfriddo, Esq., on
