

STATE OF RHODE ISLAND

PROVIDENCE, SC.

WORKERS' COMPENSATION COURT

TIMOTHY KOBACK)

)

VS.)

W.C.C. NO. 2016-07082

)

EMPLOYEES' RETIREMENT SYSTEM)

OF RHODE ISLAND)

A M E N D E D D E C R E E

FEENEY, J. In accordance with the decision of the Rhode Island Supreme Court issued on June 24, 2021, and the order of remand entered by the Appellate Division of this Court on August 5, 2021, an amended decree is hereby rendered in order to add finding number two and to amend order number two.

1. That Mr. Koback has proven, by a fair preponderance of the credible evidence, that he is entitled to accidental disability retirement benefits based on his claim of a low back injury occurring in the performance of his duties as an active firefighter on March 24, 2012.

2. In light of the Rhode Island Supreme Court's decision in this matter, rendered on June 24, 2021, this Court does not have authority to award counsel fees or costs.


It is, therefore, ordered:

1. That Mr. Koback shall be paid accidental disability retirement benefits consistent with his application filed on September 19, 2013.

2. Notwithstanding the successful prosecution of this matter, no counsel fee or costs are awarded.

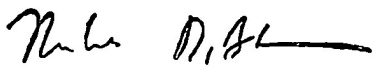
Entered as the decree of this Court this *2nd* day of *November 2021*.

ENTER:



Feeney, J.

PER ORDER:



Nicholas DiFilippo, Administrator