

**STATE OF VERMONT
DEPARTMENT OF LABOR**

Timothy Martin

Opinion No. 35O-11WC

v.

By: Phyllis Phillips, Esq.
Hearing Officer

Burlington Public
School District

For: Anne M. Noonan
Commissioner

State File Nos. Z-54128 and W-06342

OPINION AND ORDER

Claimant's Motion for Summary Judgment, in which he sought payment of permanency benefits for an injury suffered to one body part as a result of a work-related accident at the same time that he was receiving temporary disability benefits for an injury arising out of the same accident but to a different body part, was denied on November 2, 2011. There being no other legal or factual questions still to be decided related to this issue, it is ripe for final judgment.

ORDER:

For the reasons stated in *Martin v. Burlington Public School District*, Opinion No 35-11WC (November 2, 2011), Claimant's claim for payment of permanency benefits simultaneous with his receipt of temporary disability benefits is hereby **DENIED**.

DATED at Montpelier, Vermont this 29th day of November 2011.

Anne M. Noonan
Commissioner

Appeal:

Within 30 days after copies of this opinion have been mailed, either party may appeal questions of fact or mixed questions of law and fact to a superior court or questions of law to the Vermont Supreme Court. 21 V.S.A. §§670, 672.