

J. B. v. Steven Betit

(August 7, 2008)

**STATE OF VERMONT
DEPARTMENT OF LABOR**

J. B.

Opinion No. 32-08WC (amended)

v.

By: Phyllis G. Phillips, Esq.
Hearing Officer

Steven Betit

For: Patricia Moulton Powden
Commissioner

State File No. Y-51024

AMENDED OPINION AND ORDER

The July 22, 2008 Opinion and Order in the above claim is hereby amended as follows:

ORDER:

Based on the foregoing findings of fact and conclusions of law, Defendant is ORDERED to pay:

1. Permanent partial disability benefits in accordance with Dr. Gennaro's 50% whole person impairment rating;
2. A 10% penalty added to the amount payable in accordance with Dr. Boucher's 23% impairment rating;
3. Accrued interest commencing on November 19, 2007 and computed as of the date each weekly payment became due;
4. Costs of \$2,442.59 and attorney's fees in accordance with Workers' Compensation Rule 10.1220.
5. The benefits paid under this Order constitute compensation for a permanent impairment that will affect Claimant for the rest of his life. Therefore, although paid in a lump sum the award shall be prorated over Claimant's life expectancy. Claimant's remaining life expectancy as of the date of end medical result (May 16, 2007) was 39.8 years, or 477.6 months. After payment of attorney's fees Claimant shall be entitled to an award of \$73,585.41. This award shall be considered to be \$154.07 per month for the remainder of Claimant's life.

DATED at Montpelier, Vermont this 7th day of August 2008.

Patricia Moulton Powden
Commissioner