

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MARVIN MULLENS,	§
	§
Plaintiff Below,	§
Appellant,	§ No. 150, 2000
	§
v.	§ Court Below: Superior Court
	§ of the State of Delaware in and
WORTHY CONSTRUCTION CO.,	§ for New Castle County
	§ C.A. No. 99A-11-055
Defendant Below,	§
Appellee.	§

Submitted: October 17, 2000
Decided: October 23, 2000

Before WALSH, HOLLAND, and STEELE, Justices.

O R D E R

This 23rd day of October 2000, upon consideration of the briefs of the parties and oral argument, it appears to the Court as follows:

(1) This is an appeal from a Superior Court decision affirming the Industrial Accident Board's ("Board") denial of disability benefits to the appellant, Marvin Mullens ("claimant").

(2) Claimant contends that the Board incorrectly applied the "but for" causation test as announced in this Court's decision in *Reese v. Home Budget Center*, Del. Supr., 619 A.2d 907, 910 (1992). The appellee, Worthy Construction Co. ("Employer"), contends that the standard was correctly applied and is supported by substantial evidence. The Superior Court agreed with the Employer's position and affirmed the decision of the Board.

(3) The Superior Court upheld the Board's decision as reflective of a choice of competing expert medical testimony. In our view, however, the Board's rather cryptic findings and conclusions of law lend themselves to merely an arguable inference to that effect. Although the Board's decision recites the evidence presented by the medical experts, its required evaluation of that evidence under its "Findings of Fact and Conclusions of Law," provides scant insight into the basis for its rejection of the claim for disability benefits.

(4) Since the parties sharply contest the meaning of the Board's decision, and whether it is the product of an orderly and logical deductive process, we conclude that we are unable to conduct an effective appellant review of the parties' contentions. Accordingly, this matter must be remanded to the Board for a full explanation of the reasons for its rulings. In particular, the Board should identify the differences between the opinions of Dr. Marshall and Dr. Goldenberg and explain fully why it opted to accept the opinion of one expert over the other. The Board should separately state its factual findings and apply those findings to any legal conclusions it makes.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is REVERSED and the matter is REMANDED to the Superior Court for further remand to the Industrial Accident Board for further finding by the Board in compliance with the terms of this Order. Jurisdiction is not retained.

BY THE COURT:

s/Joseph T. Walsh
Justice