

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

MICHAEL TEDESCO,	:	
_____ Appellant,	:	C.A. No. K14A-09-002 RBY
	:	In and for Kent County
v.	:	
	:	
BAYHEALTH MEDICAL CENTER,	:	
	:	
Appellee.	:	

ORDER

Various aspects of the Industrial Accident Board (“IAB”) proceeding concerning the above parties previously came before this Court for review. By Order of February 4, 2015, a portion of the August 11, 2014, Decision of the Board was affirmed, while a portion was remanded to the IAB.

Following that remand, the IAB re-examined the positions of the parties exhaustively by way of hearing resulting in decisions on June 2, 2015; November 23, 2015; and February 17, 2016.

Each issue raised by the remand of the Court of February 4, 2015, was examined, heard and decided by the IAB.

Hence, at the latest, Appellant had thirty days from that date to bring any aspect of the matter back to this Court for further review.¹ Thus, any question to be pursued in this Court had to have been presented on or before March 18, 2016. Even if, for the sake of argument, an additional weekend were added to that Friday date, the appeal – in some form – would have to have been filed by March 21, 2016. The initial notice

¹ 19 *Del. C.* § 2349.

of any kind to this Court was an e-filed letter dated and recorded on March 25, 2016.

Accordingly, pursuant to said statute, the Decisions of the IAB, all completed on or before February 17, 2016, had become “final and conclusive” prior to any attempted process in this Court.

Taking for the purposes of this consideration the correspondence of Appellant as an appeal to this Court, it has no effect because of the prior finality of the IAB’s said Decisions.

IT IS SO ORDERED this 7th day of April, 2016

/s/ Robert B. Young

J.

RBY/dsc

oc: Prothonotary
cc: Christopher A. Amalfitano, Esquire
Keri L. Morris-Johnston, Esquire
Industrial Accident Board